

No. 200
AN ACT

SB 656

Amending the act of August 22, 1961 (P. L. 1043), entitled as amended "An act to ascertain and appoint the fees to be received by the prothonotary of the court of common pleas of the Commonwealth in counties of the third and fourth class; to provide the time of paying the same; and to repeal certain acts," extending the provisions of the act to fifth, sixth, seventh and eighth class counties; decreasing certain fees; establishing new fees and repealing an inconsistent act.

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

Section 1. The title and section 1, act of August 22, 1961 (P. L. 1043), entitled as amended "An act to ascertain and appoint the fees to be received by the prothonotary of the court of common pleas of the Commonwealth in counties of the third and fourth class; to provide the time of paying the same; and to repeal certain acts," the title and first paragraph of section 1, amended August 26, 1965 (P. L. 388) are amended to read:

AN ACT

To ascertain and appoint the fees to be received by the prothonotary of the court of common pleas of the Commonwealth in counties of the third, [and] fourth, fifth, sixth, seventh and eighth class; to provide the time of paying the same; and to repeal certain acts.

Section 1. Fees.—The fees to be received by the prothonotary of the court of common pleas of this Commonwealth in counties of the third, [and] fourth, fifth, sixth, seventh and eighth class shall be as follows:

APPEALS

Appeal from the court of common pleas to the Supreme or Superior Court \$20.00

¹ ACKNOWLEDGMENTS

² Acknowledgment of sheriff, treasurer or Tax Claim Bureau deeds when not paid by the county or chargeable thereto[\$2.00] \$3.00

ASSIGNMENTS

Assignment, filing \$3.00

BUILDING AGREEMENTS

Filing of any building agreement, waiver, stipulation [\$10.00] \$7.00

CERTIFICATION

Certifying copy of any paper:
First page \$3.00

¹ "Acknowledgements" in original.

² "Acknowledgement" in original.

Additional pages, each	\$1.00
Certification of notary public, justice of peace or similar paper	\$1.00

CHARTERS

Filing charter, petition for change of corporate name or alteration or amendment of charter for merger	\$15.00
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COMMENCEMENT OF ACTIONS IN THIRD FOURTH, FIFTH AND SIXTH CLASS COUNTIES

Commencement of any action at law or equity, regardless of procedure, a fee of not less than \$5.00 or more than \$40.00 shall be fixed by the prothonotary of each court of common pleas in third, fourth, fifth and sixth class counties, on or before March 1 of each year, to apply to fees charged during the ensuing twelve months, and, when added to all other fees charged, shall bear a reasonable relationship to the sum sufficient to maintain and operate the office of the prothonotary. After an action has been commenced, no other fees shall be payable except as herein otherwise specifically provided. The fee fixed shall be the same and apply to all actions without variation.

COMMENCEMENT OF ACTIONS IN SEVENTH AND EIGHTH CLASS COUNTIES

Commencement of any action at law or equity, regardless of procedure, in counties of the seventh and eighth class . . . \$15.00

After an action has been commenced, no other fees shall be payable except as herein otherwise specifically provided. The fee shall be the same and shall apply to all actions without variation.

EXECUTIONS

Filing of any praecipe for a writ of execution, including attachment, possession or any other writ of execution not herein specifically provided for, and all services incident thereto	\$10.00
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JUDGMENTS

Entry of any judgment or decree, which is final, whether by agreement, confession, demurrer, non pros, or preliminary objection or motion on verdict or award, by court order, finding, opinion, default, transcript, copy of docket entries, ex-record, certified copy of nonpayment ¹ of inheritance tax, certified copy from quarter sessions, including all services	[\$8.00] <u>\$6.00</u>
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¹ "of nonpayment" in original.

LIENS

Filing any lien: municipal, mechanics, Federal, Commonwealth, certified copy of lien \$5.00

NOTARY PUBLIC

Registration of signature of notary public \$1.00

RECORDING

Filing any paper, report, account or document required by law to be recorded, not otherwise provided for or included herein and filing an attorney's supreme court certificate of practice \$5.00

REVIVALS

Including in every instance any entry of judgment:

- (1) Continuing any lien not reduced to judgment \$2.00
- (2) Reviving the lien of any judgment by amicable proceedings \$5.00
- (3) Reviving the lien of any judgment by adverse proceedings \$10.00

SUBPOENA

Each \$1.00

¹ SEARCHES

Search of any record or index, including certification:

- Five years \$3.00
- Each reference \$1.00

SATISFACTIONS

Entering satisfactions, releases, postponements, assignments, subordinations, of all encumbrances or liens by power of attorney or otherwise; or settlement, discontinued ending or termination of any civil action at law or in equity \$3.00

Section 2. Subsection (b) of section 3 and section 4 of the act are amended to read:

Section 3. Similar Services; Payment in Advance; State Tax.—

* * *

(b) The prothonotary shall not be required to enter on docket any suit or action or order of court or enter any judgment thereon or perform any services whatsoever for any person, political subdivision or the Commonwealth until the requisite fee is paid.

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Section 4. Charges to County in Third, Fourth, Fifth and Sixth Class Counties.—In lieu of separate charges to the county for services rendered to it, the prothonotary in third, fourth, fifth and sixth class

¹ "Search" in original.

counties shall make a charge, monthly, of ten percent of the sum paid to the county treasurer in that month, and shall enter the same as a sum earned and paid.

Section 3. The act is amended by adding after section 4 a new section to read:

Section 4.1. Court Services and County Fees in Seventh and Eighth Class Counties.—(a) The fees for court services to be paid by the county shall be as follows:

- (1) Docketing praecipe for argument, hearing or trial and preparation of papers for court, each case \$1.00
- (2) Preparing docket entries for the court where required, each case \$1.00
- (3) Preparing argument and hearing list, posting and advertising same where required; for each list; to be paid by the county \$5.00
- (4) Docketing of hearing or argument held, continuance or other disposition not requiring index entries on call of list, each case \$.50
- (5) Docketing notation of summary disposition by the court \$.50
- (6) Preparing trial list for advertising, posting and printing, preparing case for trial, each case to be paid by the county \$.50
- (7) Drawing venire order, docketing same and court order, preparing, taking and docketing oaths of sheriff and jury commissioners, preparing venire writ and returns thereof, posting copy of jury list. Each venire, to be paid by the county \$10.00
- (8) All services in the trial of a cause, or a hearing including drawing and swearing of jury, preparation of verdict forms, swearing witnesses and tipstaves and other required services, per day or fraction thereof, per case \$4.00
- (9) For attending court sessions by the prothonotary, his

deputies or clerks, for each day or fraction thereof per courtroom attended, to be paid by the county \$15.00

(10) The prothonotary shall be authorized to appoint special deputies to attend court with power to administer oaths and perform all required services. Where such deputies are appointed, they shall be paid by the county on a per diem basis to be fixed by the salary board. Where such special deputies serve, the fee of \$15.00 per day as provided for in clause (9) hereof shall not be charged.

(11) For taking, docketing and filing each verdict, confession of judgment in open court and nonsuits \$2.00

(12) For noting and docketing trial motions for binding instructions, directed verdict, compulsory nonsuit, voluntary nonsuit, withdrawal of juror and disposition thereof, not including index entries where required, each item . . . \$.50

(13) For noting and docketing plea of surprise and disposition thereof and points for charge \$.50

(14) Framing an issue in trial of case \$2.00

(15) Preparing and issuing pay vouchers for each juror, preparing slips for the selection of jurors, preparing list for printing and for use in the courtroom and by the county treasurer, for each juror, whether serving or not, to be paid by the county \$1.50

(16) Preparing and issuing vouchers for the payment of tipstaves and certifying to the county treasurer, to be paid by the county, each \$1.50

(b) The fees for services to be paid by the county shall be as follows:

(1) Preparation and transmittal of forms for acceptance of office to elected alderman and justices of the peace, each \$1.00

(2) For drawing and filing report with the Secretary of

the Commonwealth of election and acceptance of office by alderman and justices of the peace, each person so reported	\$1.00
(3) For preparing and issuing notice of result of election to membership on school boards, for each notice sent	\$1.00
(4) Filing bond and oath of justice of the peace	\$1.50
(5) Preparing and transmitting to the county commis- sioners lists of judgments and secured transactions entered, assigned and satisfied. Each item so listed	\$.50
(6) Filing admission, disbarment, suspension or rein- statement of attorney	\$1.00
(7) Filing war veteran's peddlers license	\$1.00
(8) Docketing report of county controllers or county auditors	\$10.00
(9) Docketing and posting annual jury wheel order	\$5.00
(10) Docketing order of appointment originating with the court	\$5.00
(11) Drawing copy of appointment and certifying same and transmitting it to appointee, county controller and county commissioners, each	\$2.50
(12) Docketing reports of such appointees, except reports arising out of litigation	\$3.00
(13) Docketing consolidated return of upset price tax sale by Tax Bureau and order of court thereon	\$10.00
(14) Docketing decree nisi in connection with (13)	\$3.00
(15) Docketing proofs of publication in connection with (13)	\$.50
(16) Docketing petition and order of Tax Bureau for free and clear sale	\$10.00
(17) In connection with (16), docketing each rule on taxing ¹ body and return	\$2.00

¹ "and" in original.

<u>(18) In connection with (16), docketing final petition and order for sale</u>	<u>\$5.00</u>
<u>(19) In connection with (16), docketing waiver of service and notice of taxing body</u>	<u>\$1.00</u>
<u>(20) In connection with (16), preparing, numbering and issuing the rules to the sheriff, per sale.....</u>	<u>\$5.00</u>
<u>(21) In connection with (16), docketing the sheriff's return to advertising of the sale</u>	<u>\$2.00</u>
<u>(22) Docketing each individual rule and return thereto, to be added by the county to the rule costs</u>	<u>\$5.00</u>
<u>(23) Docketing petition and order for the registration of an elector</u>	<u>\$5.00</u>
<u>(24) Entry of special court minutes directed by the court</u>	<u>\$1.00</u>

Section 4. The act of July 20, 1961 (P. L. 805), known as "The Common Pleas Prothonotaries Fee Act," is repealed.

Section 5. This act shall take effect January 1, 1968.

APPROVED—The 11th day of October, A. D. 1967.

RAYMOND P. SHAFER