

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## SENATE BILL

No. 937

Session of  
1981

INTRODUCED BY ZEMPRELLI AND FISHER, JUNE 23, 1981

SENATOR CORMAN, LOCAL GOVERNMENT, AS AMENDED, DECEMBER 7, 1981

## AN ACT

1 Establishing fees which shall be charged by a prothonotary in a  
2 county of the second class.

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

5 Section 1. Short title.

6 This act shall be known and may be cited as the "Second Class  
7 County Prothonotary Fee Act."

8 Section 2. Fee schedule.

9 The fees to be received by the prothonotary of the court of  
10 common pleas of a county of the second class shall be as  
11 follows:

12 (1) Accounts and Reports.--

13 The filing and docketing of a report or  
14 an account..... \$11.00

15 (2) Appeals.--

16 (i) The filing of an appeal to the  
17 Supreme, Superior or the Commonwealth

1	Court.....	\$50.00	
2	(ii) The filing of any other appeal		
3	including an appeal from administrative		
4	agencies, arbitration, Petition for Writ of		
5	Certiorari and Appeals from a Magistrate's		
6	decision.....	<del>40.00</del>	<—
7		35.00	
8	(3) Bonds.--(Surety or cash) approved by		
9	court or prothonotary.....	\$10.00	
10	(4) Certifications.--		
11	(i) Any certification of certificate..	\$8.00	
12	(ii) Any exemplification.....	<del>25.00</del>	<—
13		20.00	
14	(iii) If the same involves more than		
15	one page, for each additional page.....	2.00	
16	(iv) Certification of Notarial		
17	Certificate.....	15.00	
18	(v) Certified copies of Divorce		
19	Decrees.....	10.00	
20	Additional copies.....	5.00	
21	(5) Commencement of actions.--Commencement		
22	of any civil action by writ of summons,		
23	complaint, amicable action, petition or		
24	otherwise including Actions in Assumpsit,		
25	Trespass, Ejectment, Quiet Title, Replevin,		
26	Mandamus, Quo Warranto, Divorce or Annulment of		
27	Marriage, Mortgage Foreclosure, Ground Rent		
28	Foreign Attachment, Fraudulent Debtor's Attach-		
29	ment Equity, Partition of Real Property,		
30	Actions to Prevent Waste, Actions upon		

1 Mechanics' Liens, Class Actions, Actions  
 2 involving Minors, Declaratory Actions, Amicable  
 3 Actions, except Complaint in Confession of  
 4 Judgment (see "Judgments") and Commencement of  
 5 Commonwealth Tax Liens (see "Liens"). This is  
 6 a composite fee which includes the filing of  
 7 all plaintiff's pleadings discovery or any  
 8 other paper not otherwise provided for in this  
 9 act except trial and trial listings, judgment,  
 10 execution, attachment, revival and post judg-  
 11 ment papers..... \$35.00  
 12 (6) Deeds.--Acknowledgment of sheriff's or  
 13 treasurer's deeds..... \$5.00  
 14 (7) Defendant's first filing.--The filing  
 15 on behalf of any defendant (or additional  
 16 defendant) of the first pleading, entry of  
 17 appearance, answer, preliminary objections,  
 18 writ to join (with entry of appearance) or  
 19 complaint against additional defendant, or  
 20 other paper not otherwise provided for in this  
 21 act. A pleading, appearance or other paper not  
 22 otherwise provided for in this act filed on  
 23 behalf of more than one defendant shall require  
 24 only one fee. The filing of separate initial  
 25 pleadings by defendants require a separate fee.  
 26 This is a composite fee which includes the  
 27 filing of all defendant's pleadings, discovery  
 28 or any other paper not otherwise provided for  
 29 in this act except trial and trial listings,  
 30 judgment execution attachment, revival and post

1	judgment papers.....	\$15.00	
2	(8) Eminent domain.--		
3	(i) Commencement of action by		
4	Declaration of Taking or Petition for		
5	Appointment of a Board of Viewers.....	\$35.00	
6	(ii) Initial fee charged for each		
7	premises, parcel or plot.....	1.00	
8	(9) Fictitious individual and corporate		
9	names.--		
10	(i) The filing of an application for		
11	the registration of an individual		
12	fictitious name.....	<del>\$45.00</del>	<—
13		\$40.00	
14	(ii) Any subsequent filing and		
15	cancellation.....	7.50	
16	(iii) The filing of an application for		
17	the registration of a fictitious corporate		
18	name.....	<del>60.00</del>	<—
19		50.00	
20	(iv) Any subsequent filing including		
21	cancellation.....	7.50	
22	(10) Financing statements.--		
23	(i) The filing of the U.C.C.I. or any		
24	initial filing under the Uniform Commercial		
25	Code.....	\$15.00	
26	(ii) All subsequent filing including		
27	termination, continuation and assignments..	<del>15.00</del>	<—
28		5.00	
29	(11) Funds on deposit.--		
30	(i) Receiving and distributing money		

1	paid into court for each dollar under \$500.	(4%)	
2	(ii) For each dollar exceeding \$500...	(1%)	
3	(12) Joinder.--Defendants joinder of each		
4	additional defendant, except initial action		
5	with appearance, each.....	<del>\$25.00</del>	<—
6		\$20.00	
7	(13) Judgment.--		
8	(i) Entry of Judgment in any action		
9	commenced in this county.....	\$15.00	
10	(ii) Entering from another		
11	jurisdiction.....	25.00	
12	(iii) Entering by agreement.....	<del>25.00</del>	<—
13		20.00	
14	(iv) Judgment by confession.....	25.00	
15	(v) Complaint in Confession of		
16	Judgment.....	25.00	
17	(vi) Assignment of any Judgment.....	15.00	
18	(14) Liens.--		
19	(i) The filing of any Federal Tax		
20	Lien, Mechanics Lien or any lien not		
21	covered under this act, Waiver and "To the		
22	Use of Lien" including Affidavit of		
23	Service, including all indexing.....	<del>\$15.00</del>	<—
24		\$10.00	
25	(ii) Commencement of any Commonwealth		
26	Tax Lien, including the lien, complaint to		
27	use claims, Writs of Scire Facias, all		
28	pleadings, default judgment, the filing of		
29	any paper, except Revival, including		
30	indexing.....	35.00	

1	(15) Notary Public.--Registration of		
2	notary public signature.....	<del>\$10.00</del>	<—
3		\$5.00	
4	(16) Papers.--The filing of any		
5	interlocutory paper not included in any		
6	composite fee.....	\$3.00	
7	(17) Petitions.--The filing of an		
8	interlocutory petition or motion not included		
9	in any composite fee.....	\$10.00	
10	(18) Power of attorney.--The filing of a		
11	power of attorney, including all services and		
12	revocation.....	<del>\$25.00</del>	<—
13		\$20.00	
14	(19) Partnerships and associations.--The		
15	filing of any partnership agreement or		
16	association under their applicable acts,		
17	including all subsequent papers and		
18	termination.....	<del>\$45.00</del>	<—
19		\$30.00	
20	(20) Refunds.--		
21	There shall be no refund of any amount less		
22	than \$5.00 in the event of overpayment of fees.		
23	(21) Release of Lien.....	<del>\$10.00</del>	<—
24		\$7.50	
25	(22) Revivals.--The filing of any writ of		
26	Revival, petition, pleading and all papers.....	<del>\$35.00</del>	<—
27		\$25.00	
28	(23) Searches.--		
29	(i) Every certified judgment or lien		
30	search for each period of five years or		

1	less, each property.....	<del>\$30.00</del>	<—
2		\$20.00	
3	(ii) Every certified locality search,		
4	for each period of five years or less, each		
5	property.....	<del>30.00</del>	<—
6		20.00	
7	(iii) Every certified search of five		
8	years or less the Uniform Commercial Code		
9	index.....	<del>30.00</del>	<—
10		20.00	
11	(iv) Fictitious and Fictitious		
12	Corporate Name Searches:		
13	(A) Every certified search from		
14	the year 1953 to date or any fraction		
15	thereof from the Fictitious name or		
16	Fictitious Corporate name index.....	<del>25.00</del>	<—
17		20.00	
18	(B) Every five years theretofore		
19	or any fraction thereof.....	10.00	
20	(C) Every search of any given five		
21	year period of any fraction thereof....	10.00	
22	(v) Uniform Commercial Code Searches:		
23	(A) Every certified search of the		
24	Uniform Commercial Code index of five		
25	years or less.....	<del>30.00</del>	<—
26		20.00	
27	(B) Each additional statement		
28	found over one.....	1.00	
29	(C) Searches beyond five years for		
30	additional five years or any fraction		

1	thereof.....	<del>30.00</del>	<—
2		20.00	
3	(24) Subpoena.--		
4	(i) Issuing a subpoena form.....	\$2.00	
5	(ii) Producing a record in response to		
6	a subpoena based on four-hour service.....	<del>25.00</del>	<—
7		20.00	
8	(iii) Service beyond four hours or		
9	fraction thereof.....	15.00	
10	(iv) For each mile traveled (round		
11	trip) for service out of county.....	.17	
12	(25) Suggestion of nonpayment.--		
13	Suggestion and averments.....	\$20.00	
14	(26) Termination papers.--The fee for the		
15	filing of any satisfaction, discontinuance or		
16	termination type paper.....	\$5.00	
17	(27) Trial and trial listings.--		
18	(i) Jury fee when case is placed at		
19	issue or appeal from arbitration demanding		
20	jury trial.....	<del>\$60.00</del>	<—
21		\$50.00	
22	(ii) Compulsory arbitration listing...	15.00	
23	(iii) Orders for continuances.....	<del>25.00</del>	<—
24		15.00	
25	(iv) Certificate of readiness.....	15.00	
26	(28) Writs of execution, possession or		
27	seizure.--Issuing any writ of execution,		
28	attachment, including indexing.....	<del>\$25.00</del>	<—
29		\$20.00	

30 Section 3. Fees for similar services.



1 The fee for any paper or service not specifically provided  
2 for in section 2 shall be the same as for a similar service.

3 Section 4. Fees exclusive of taxes.

4 The fees enumerated in section 2 shall be exclusive of any  
5 tax not levied, including law library taxes or that may  
6 hereafter be levied.

7 Section 5. Fees required before papers received or services  
8 performed.

9 The prothonotary shall not be required to receive any paper  
10 or perform any service until the proper fee is paid.

11 Section 6. Jury fee.

12 The jury fee when paid shall not be refunded.

13 Section 7. Repeals.

14 ~~(a) Specific repeal. The act of June 23, 1972 (P.L.487,~~ <—  
15 ~~No.157), entitled "An act amending the act of July 12, 1961~~  
16 ~~(P.L.566, No.157), entitled 'An act establishing and regulating~~  
17 ~~the fees to be received and charged by the prothonotary of the~~  
18 ~~courts of common pleas of this Commonwealth in counties of the~~  
19 ~~second class and repealing certain acts,' further regulating~~  
20 ~~prothonotary fees in courts of common pleas in counties of the~~  
21 ~~second class," is repealed.~~

22 (A) SPECIFIC ACTS.--THE FOLLOWING ACTS OR PARTS OF ACTS ARE <—  
23 REPEALED INSOFAR AS THEY ARE INCONSISTENT WITH THIS ACT:

24 SECTION 1725 OF TITLE 42, ACT OF NOVEMBER 25, 1970 (P.L.707,  
25 NO.230), KNOWN AS THE PENNSYLVANIA CONSOLIDATED STATUTES.

26 SECTION 24(A) OF THE ACT OF JULY 9, 1976 (P.L.586, NO.142),  
27 KNOWN AS THE "JUDICIARY ACT OF 1976."

28 (b) General repeal.--All other acts or parts of acts are  
29 repealed insofar as they are inconsistent herewith.

30 Section 8. Effective date.

1       This act shall take effect immediately.