

THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**SENATE BILL**

**No. 937**      Session of  
1981

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**Report of the Committee of Conference**

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To the Members of the Senate and House of Representatives:

We, the undersigned, Committee of Conference on the part of the Senate and House of Representatives for the purpose of considering Senate Bill No. 937, entitled:  
"An act establishing fees which shall be charged by a prothonotary in a county of the second class,"

respectfully submit the following bill as our report:

D. MICHAEL FISHER

J. DOYLE CORMAN, JR.

EDWARD P. ZEMPRELLI

(Committee on the part of the Senate.)

TERRENCE F. McVERRY

GEORGE F. POTT, JR.

IVAN ITKIN

(Committee on the part of the House of Representatives.)

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  
18 Court..... \$50.00

19 (ii) The filing of any other appeal  
20 including an appeal from administrative  
21 agencies, arbitration, Petition for Writ of  
22 Certiorari and Appeals from a Magistrate's  
23 decision..... 35.00

24 (3) Bonds.--(Surety or cash) approved by  
25 court or prothonotary..... \$10.00

26 (4) Certifications.--

27 (i) Any certification of certificate.. \$8.00

28 (ii) Any exemplification..... 20.00

29 (iii) If the same involves more than

|    |   |         |
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| 1  | one page, for each additional page.....         | 2.00    |
| 2  | (iv) Certification of Notarial                  |         |
| 3  | Certificate.....                                | 15.00   |
| 4  | (v) Certified copies of Divorce                 |         |
| 5  | Decrees.....                                    | 10.00   |
| 6  | Additional copies.....                          | 5.00    |
| 7  | (5) Commencement of actions.--Commencement      |         |
| 8  | of any civil action by writ of summons,         |         |
| 9  | complaint, amicable action, petition or         |         |
| 10 | otherwise including Actions in Assumpsit,       |         |
| 11 | Trespass, Ejectment, Quiet Title, Replevin,     |         |
| 12 | Mandamus, Quo Warranto, Divorce or Annulment of |         |
| 13 | Marriage, Mortgage Foreclosure, Ground Rent     |         |
| 14 | Foreign Attachment, Fraudulent Debtor's Attach- |         |
| 15 | ment Equity, Partition of Real Property,        |         |
| 16 | Actions to Prevent Waste, Actions upon          |         |
| 17 | Mechanics' Liens, Class Actions, Actions        |         |
| 18 | involving Minors, Declaratory Actions, Amicable |         |
| 19 | Actions, except Complaint in Confession of      |         |
| 20 | Judgment (see "Judgments") and Commencement of  |         |
| 21 | Commonwealth Tax Liens (see "Liens"). This is   |         |
| 22 | a composite fee which includes the filing of    |         |
| 23 | all plaintiff's pleadings discovery or any      |         |
| 24 | other paper not otherwise provided for in this  |         |
| 25 | act except trial and trial listings, judgment,  |         |
| 26 | execution, attachment, revival and post judg-   |         |
| 27 | ment papers.....                                | \$35.00 |
| 28 | (6) Deeds.--Acknowledgment of sheriff's or      |         |
| 29 | treasurer's deeds.....                          | \$5.00  |
| 30 | (7) Defendant's first filing.--The filing       |         |

1 on behalf of any defendant (or additional  
 2 defendant) of the first pleading, entry of  
 3 appearance, answer, preliminary objections,  
 4 writ to join (with entry of appearance) or  
 5 complaint against additional defendant, or  
 6 other paper not otherwise provided for in this  
 7 act. A pleading, appearance or other paper not  
 8 otherwise provided for in this act filed on  
 9 behalf of more than one defendant shall require  
 10 only one fee. The filing of separate initial  
 11 pleadings by defendants require a separate fee.  
 12 This is a composite fee which includes the  
 13 filing of all defendant's pleadings, discovery  
 14 or any other paper not otherwise provided for  
 15 in this act except trial and trial listings,  
 16 judgment execution attachment, revival and post  
 17 judgment papers..... \$15.00

18 (8) Eminent domain.--

19 (i) Commencement of action by  
 20 Declaration of Taking or Petition for  
 21 Appointment of a Board of Viewers..... \$35.00

22 (ii) Initial fee charged for each  
 23 premises, parcel or plot..... 1.00

24 (9) Fictitious individual and corporate  
 25 names.--

26 (i) The filing of an application for  
 27 the registration of an individual  
 28 fictitious name..... \$40.00

29 (ii) Any subsequent filing and  
 30 cancellation..... 7.50

|    |  |         |
|----|--|---------|
| 1  | (iii) The filing of an application for       |         |
| 2  | the registration of a fictitious corporate   |         |
| 3  | name.....                                    | 50.00   |
| 4  | (iv) Any subsequent filing including         |         |
| 5  | cancellation.....                            | 7.50    |
| 6  | (10) Financing statements.--                 |         |
| 7  | (i) The filing of the U.C.C.I. or any        |         |
| 8  | initial filing under the Uniform Commercial  |         |
| 9  | Code.....                                    | \$15.00 |
| 10 | (ii) All subsequent filing including         |         |
| 11 | termination, continuation and assignments..  | 5.00    |
| 12 | (11) Funds on deposit.--                     |         |
| 13 | (i) Receiving and distributing money         |         |
| 14 | paid into court for each dollar under \$500. | (4%)    |
| 15 | (ii) For each dollar exceeding \$500...      | (1%)    |
| 16 | (12) Joinder.--Defendants joinder of each    |         |
| 17 | additional defendant, except initial action  |         |
| 18 | with appearance, each.....                   | \$20.00 |
| 19 | (13) Judgment.--                             |         |
| 20 | (i) Entry of Judgment in any action          |         |
| 21 | commenced in this county.....                | \$15.00 |
| 22 | (ii) Entering from another                   |         |
| 23 | jurisdiction.....                            | 25.00   |
| 24 | (iii) Entering by agreement.....             | 20.00   |
| 25 | (iv) Judgment by confession.....             | 25.00   |
| 26 | (v) Complaint in Confession of               |         |
| 27 | Judgment.....                                | 25.00   |
| 28 | (vi) Assignment of any Judgment.....         | 15.00   |
| 29 | (14) Liens.--                                |         |
| 30 | (i) The filing of any Federal Tax            |         |

|    |  |         |
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| 1  | Lien, Mechanics Lien or any lien not             |         |
| 2  | covered under this act, Waiver and "To the       |         |
| 3  | Use of Lien" including Affidavit of              |         |
| 4  | Service, including all indexing.....             | \$10.00 |
| 5  | (ii) Commencement of any Commonwealth            |         |
| 6  | Tax Lien, including the lien, complaint to       |         |
| 7  | use claims, Writs of Scire Facias, all           |         |
| 8  | pleadings, default judgment, the filing of       |         |
| 9  | any paper, except Revival, including             |         |
| 10 | indexing.....                                    | 10.00   |
| 11 | (15) Notary Public.--Registration of             |         |
| 12 | notary public signature.....                     | \$5.00  |
| 13 | (16) Papers.--The filing of any                  |         |
| 14 | interlocutory paper not included in any          |         |
| 15 | composite fee.....                               | \$3.00  |
| 16 | (17) Petitions.--The filing of an                |         |
| 17 | interlocutory petition or motion not included    |         |
| 18 | in any composite fee.....                        | \$10.00 |
| 19 | (18) Power of attorney.--The filing of a         |         |
| 20 | power of attorney, including all services and    |         |
| 21 | revocation.....                                  | \$20.00 |
| 22 | (19) Partnerships and associations.--The         |         |
| 23 | filing of any partnership agreement or           |         |
| 24 | association under their applicable acts,         |         |
| 25 | including all subsequent papers and              |         |
| 26 | termination.....                                 | \$30.00 |
| 27 | (20) Refunds.--                                  |         |
| 28 | There shall be no refund of any amount less      |         |
| 29 | than \$5.00 in the event of overpayment of fees. |         |
| 30 | (21) Release of Lien.....                        | \$7.50  |

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| 1  | (22) Revivals.--The filing of any writ of       |         |
| 2  | Revival, petition, pleading and all papers..... | \$25.00 |
| 3  | (23) Searches.--                                |         |
| 4  | (i) Every certified judgment or lien            |         |
| 5  | search for each period of five years or         |         |
| 6  | less, each property.....                        | \$20.00 |
| 7  | (ii) Every certified locality search,           |         |
| 8  | for each period of five years or less, each     |         |
| 9  | property.....                                   | 20.00   |
| 10 | (iii) Every certified search of five            |         |
| 11 | years or less the Uniform Commercial Code       |         |
| 12 | index.....                                      | 20.00   |
| 13 | (iv) Fictitious and Fictitious                  |         |
| 14 | Corporate Name Searches:                        |         |
| 15 | (A) Every certified search from                 |         |
| 16 | the year 1953 to date or any fraction           |         |
| 17 | thereof from the Fictitious name or             |         |
| 18 | Fictitious Corporate name index.....            | 20.00   |
| 19 | (B) Every five years theretofore                |         |
| 20 | or any fraction thereof.....                    | 10.00   |
| 21 | (C) Every search of any given five              |         |
| 22 | year period of any fraction thereof....         | 10.00   |
| 23 | (v) Uniform Commercial Code Searches:           |         |
| 24 | (A) Every certified search of the               |         |
| 25 | Uniform Commercial Code index of five           |         |
| 26 | years or less.....                              | 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           |         |

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

25 Section 3. Fees for similar services.

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

28 Section 4. Fees exclusive of taxes.

29 The fees enumerated in section 2 shall be exclusive of any  
30 tax not levied, including law library taxes or that may

1 hereafter be levied.

2 Section 5. Fees required before papers received or services  
3 performed.

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

6 Section 6. Jury fee.

7 The jury fee when paid shall not be refunded.

8 Section 7. Repeals.

9 (a) Specific acts.--The following acts or parts of acts are  
10 repealed insofar as they are inconsistent with this act:

11 Section 1725 of Title 42, act of November 25, 1970 (P.L.707,  
12 No.230), known as the Pennsylvania Consolidated Statutes.

13 Section 24(a) of the act of July 9, 1976 (P.L.586, No.142),  
14 known as the "Judiciary Act of 1976."

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

17 Section 8. Effective date.

18 This act shall take effect immediately.