

MUNICIPAL CLAIM AND TAX LIEN LAW
Act of May. 16, 1923, P.L. 207, No. 153
AN ACT

Cl. 53

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.

Section 1. Be it enacted, &c., That the word "taxes," as used in this act, means any county, city, borough, incorporated town, township, school, bridge, road, or poor taxes, together with and including all penalties, interest, costs, charges, expenses and fees, including reasonable attorney fees, as allowed by this act and all other applicable laws.

The word "highway," as used in this act, means the whole or any part of any public street, public road, public lane, public alley, or other public highway.

The words "tax claim," as used in this act, mean the claim filed to recover taxes.

The words "municipal claim," as used in this act, unless specifically indicated otherwise, mean and include (1) the claim arising out of, or resulting from, a tax assessed, service supplied, work done, or improvement authorized and undertaken, by a municipality, although the amount thereof be not at the time definitely ascertained by the authority authorized to determine the same, and a lien therefor be not filed, but becomes filable within the period and in the manner herein provided, (2) the claim filed to recover for the grading, guttering, macadamizing, or otherwise improving, the cartways of any public highway; for grading, curbing, recurbing, paving, repaving, constructing, or repairing the footways thereof; for laying water pipes, gas pipes, culverts, sewers, branch sewers, or sewer connections therein; for assessments for benefits in the opening, widening or vacation thereof; or in the changing of water-courses or the construction of sewers through private lands; or in highways of townships of the first class; or in the acquisition of sewers and drains constructed and owned by individuals or corporations, and of rights in and to use the same; for the removal of nuisances; or for water rates, lighting rates, or sewer rates, and (3) the claim filed to recover for work, material, and services rendered or furnished in the construction, improvement, maintenance, and operation of a project or projects of a body politic or corporate created as a Municipal Authority pursuant to law. A municipal claim shall be together with and shall include all penalties, interest, costs, fines, charges, expenses and fees, including reasonable attorney fees, as allowed by this act and all other applicable laws.

The word "claimant," as used in this act, means the plaintiff or use-plaintiff in whose favor the claim is filed as a lien.

The word "contractor," as used in this act, means the person or persons who, under contract with the legal plaintiff, performed the work for which the lien is given.

The word "property," as used in this act, means the real estate subject to the lien and against which the claim is filed as a lien.

The word "owner," as used in this act, means the person or persons in whose name the property is registered, if registered according to law, and, in all other cases, means any person or persons in open, peaceable and notorious possession of the property, as apparent owner or owners thereof, if any, or the reputed owner or owners thereof in the neighborhood of such property.

The word "municipality," as used in this act, means any county, city, borough, incorporated town, township, school district, or a body politic and corporate created as a Municipal Authority pursuant to law and any assignees thereof.

The words "charges, expenses, and fees," as used in this act, include all sums paid or incurred by a municipality to file, preserve and collect unpaid taxes, tax claims, tax liens, municipal claims and municipal liens, including, but not limited to, prothonotary and sheriff fees, postage expenses, and title search expenses. A county, city, borough, incorporated town, township, school district or municipal authority may also recover as "charges, expenses, and fees" the charges, expenses, commissions and fees of third-party collectors retained by the county, city, borough, incorporated town, township, school district or municipal authority, provided that the charges, expenses, commissions and fees of such third-party collectors are approved by legislative action of the county, city, borough, incorporated town, township, school district or municipal authority which levies the unpaid taxes, tax claims, tax liens, municipal claims and municipal liens. (Def. added July 15, 2004, P.L.726, No.83)

(1 amended Aug. 14, 2003, P.L.83, No.20)

Compiler's Note: Section 10 of Act 20 of 2003, which amended section 1, provided that the amendment of section 1 shall be retroactive to January 1, 1996.

Section 2. All taxes which may hereafter be lawfully imposed or assessed on any property in this Commonwealth, and all taxes heretofore lawfully imposed or assessed by any municipality on any property in this Commonwealth for the years one thousand nine hundred and twenty-one, one thousand nine hundred and twenty-two, and one thousand nine hundred and twenty-three, in the manner and to the extent hereinafter set forth, shall be and they are hereby declared to be a first lien on said property, together with all charges, expenses, and fees added thereto for failure to pay promptly; and such liens shall have priority to and be fully paid and satisfied out of the proceeds of any judicial sale of said property, before any other obligation, judgment, claim, lien, or estate with which the said property may become charged or for which it may become liable, save and except only the costs of the sale and of the writ upon which it is made.

Section 3. (a) (1) All municipal claims, municipal liens, taxes, tax claims and tax liens which may hereafter be lawfully imposed or assessed on any property in this Commonwealth, and all such claims heretofore lawfully imposed or assessed within six months before the passage of this act and not yet liened, in the manner and to the extent hereinafter set forth, shall be and they are hereby declared to be a lien on said property,

together with all charges, expenses, and fees incurred in the collection of any delinquent account, including reasonable attorney fees under subsection (a.1), added thereto for failure to pay promptly; and municipal claims and municipal liens shall arise when lawfully imposed and assessed and shall have priority to and be fully paid and satisfied out of the proceeds of any judicial sale of said property, before any other obligation, judgment, claim, lien, or estate with which the said property may become charged, or for which it may become liable, save and except only the costs of the sale and of the writ upon which it is made, and the taxes, tax claims and tax liens imposed or assessed upon said property.

(2) A claim for property taxes that has been reduced to judgment shall be enforceable as a lien against real property in the same manner and to the same extent as a judgment for money under the generally applicable laws of this Commonwealth. For purposes of this clause, "reduced to judgment" means a claim rendered absolute under section 311 of the act of July 7, 1947 (P.L.1368, No.542), known as the "Real Estate Tax Sale Law," and those given the effect of a judgment in accordance with this act.

(3) Notwithstanding any other provision of law, when a judgment or lien under this section is reduced or satisfied by payment or a sale of the property, the judgment creditor shall notify the tax claim bureau or prothonotary where the original tax claim is docketed and shall enter the satisfaction in the office of the clerk of the court in the county where the judgment is outstanding. No tax claim shall be subject to additional interest as a result of enforcement as a judgment lien under clause (2).

(4) A judgment lien under this subsection shall exist separate and apart from the tax lien.

(5) Nothing in this subsection shall be construed as affecting other remedies available to a municipality for collection of a tax or the priority or amount of a tax lien.

((a) amended Nov. 27, 2013, P.L.1075, No.93)

(a.1) It is not the intent of this section to require owners to pay, or municipalities to sanction, inappropriate or unreasonable attorney fees, charges or expenses for routine functions. Attorney fees incurred in the collection of any delinquent account, including municipal claims, municipal liens, taxes, tax claims and tax liens, shall be in an amount sufficient to compensate attorneys undertaking collection and representation of a municipality or its assignee in any actions in law or equity involving claims arising under this act. A municipality by ordinance, or by resolution if the municipality is of a class which does not have the power to enact an ordinance, shall adopt the schedule of attorney fees. Where attorney fees are sought to be collected in connection with the collection of a delinquent account, including municipal claims, municipal liens, taxes, tax claims and tax liens, the owner may petition the court of common pleas in the county where the property subject to the municipal claim and lien, tax claim and lien or taxes is located to adjudicate the reasonableness of the attorney fees imposed. In the event that there is a challenge to the reasonableness of the attorney fees imposed in accordance with this section, the court shall consider, but not be limited to, the following:

(1) The time and labor required, the novelty and difficulty of the questions involved and the skill requisite to properly undertake collection and representation of a municipality.

(2) The customary charges of the members of the bar for similar services.

(3) The amount of the delinquent account collected and the benefit to the municipality from the services.

(4) The contingency or the certainty of the compensation.

((a.1) amended Nov. 27, 2013, P.L.1075, No.93)

(a.2) Any time attorney fees are awarded pursuant to any provision of law, the municipality shall not be entitled to duplicate recovery of attorney fees under this section.

(a.3) (1) At least thirty days prior to assessing or imposing attorney fees in connection with the collection of a delinquent account, including municipal claims, municipal liens, taxes, tax claims and tax liens, a municipality shall, by United States certified mail, return receipt requested, postage prepaid, mail to the owner the notice required by this subsection.

(2) If within thirty days of mailing the notice in accordance with clause (1) the certified mail is refused or unclaimed or the return receipt is not received, then at least ten days prior to assessing or imposing attorney fees in connection with the collection of a delinquent account, a municipality shall, by United States first class mail, mail to the owner the notice required by this subsection.

(3) The notice required by this subsection shall be mailed to the owner's last known post office address by virtue of the knowledge and information possessed by the municipality and by the county office responsible for assessments and revisions of taxes. It shall be the duty of the municipality to determine the owner's last post office address known to said collector and county assessment office.

(4) The notice to the owner shall include the following:

(i) A statement of the municipality's intent to impose or assess attorney fees within thirty days of mailing the notice pursuant to clause (1) or within ten days of the mailing of the notice pursuant to clause (2).

(ii) The manner in which the imposition or assessment of attorney fees may be avoided by payment of the delinquent account.

(b) With the exception of those claims which have been assigned, any municipal claim, municipal lien, tax, tax claim or tax lien, including interest, penalty and costs, imposed by a city of the first class, shall be a judgment only against the said property when the lien has been docketed by the prothonotary. The docketing of the lien shall be given the effect of a judgment against the said property only with respect to which the claim is filed as a lien. The prothonotary shall maintain an in rem index, the form and location of which shall be within the prothonotary's discretion. All tax claims, water rents or rates, lighting rates, power rates and sewer rates heretofore filed are hereby ratified, confirmed and made valid subsisting liens as of the date of their original filing.

(c) A writ of execution may issue directly without prosecution to judgment of a writ of scire facias. Any property sold in execution shall be sold in compliance with the provisions of section 31.2.

(d) Attorney fees may be imposed and collected in accordance with this section upon all taxes, tax claims, tax liens, municipal claims, municipal liens, writs of scire facias, judgments or executions filed on or after December 19, 1990.

(3 amended Aug. 14, 2003, P.L.83, No.20)

Compiler's Note: Section 10 of Act 20 of 2003, which amended section 3, provided that the amendment of section 3 shall be retroactive to January 1, 1996.

Section 4. The lien for taxes shall exist in favor of, and the claim therefor may be filed against the property taxed by, any municipality to which the tax is payable.

The lien for the removal of nuisances shall exist in favor of, and the claim therefor may be filed against the property from which it is removed, or by which it is caused, by, any municipality by or for which the nuisance is removed.

The lien for grading, guttering, paving, macadamizing, or otherwise improving the cartways of any highways; for grading, curbing, recurbing, paving, repaving, constructing, or repairing the footways thereof; or for laying water pipes, gas pipes, culverts, sewers, branch sewers, or sewer connections in any highway; for assessments for benefits in the opening, widening, or vacation thereof; or in the changing of watercourses or construction of sewers through private lands; or in highways of townships of the first class; or in the acquisition of sewers and drains constructed and owned by individuals or corporations, and of rights in and to use the same; or for water rates, lighting rates, or sewer rates, or rates for any other service furnished by a municipality,--shall exist in favor of, and the claim therefor may be filed against the property thereby benefited by, the municipality extending the benefit; or the city, borough, or township in which the property is located, if the work, material or service forming the basis of such lien was supplied by a municipal authority organized by a city of the second class, by a county of the second class or by a city of the third class and such liens or the claim therefor has been assigned to it.

Municipal authorities organized by cities of the second class, by counties of the second class or by cities of the third class are hereby authorized to assign their municipal claims and their liens to the city, borough, or township in which the property subject thereto is located, and cities, boroughs and townships in which such property is located are hereby authorized to purchase the same. Upon such assignment or purchase the city, borough, or township acquiring such municipal claim or lien shall have the same rights thereunder as if it had supplied the work, material or service upon which such municipal claim or lien is based.

When the contractor performing the work is to be paid by assessment bills, the lien shall exist for, and the claim shall be filed to, his use, and he shall under no circumstances have recourse to the municipality authorizing the work.

(4 amended July 28, 1953, P.L.678, No.212)

Section 5. All real estate, by whomsoever owned and for whatsoever purpose used, other than property owned by the State or the United States, shall be subject to all tax and municipal claims herein provided for, except that all property owned by any county, city, or other municipality or municipal division, and actual places of religious worship, places of burial not held or used for private or corporate profit, and institutions of purely public charity, shall not be subject to tax or municipal claims on property, by law, exempt from taxation except for the removal of nuisances, for sewer claims and sewer connections, or for the curbing, recurbing, paving, repaving, or repairing the footways in front thereof. All other real estate, by whomsoever owned and for whatsoever purpose used, shall be subject to all tax claims and municipal claims herein provided for: Provided, however, That nothing in this act

contained shall hinder or prevent any municipality from providing that any municipal work may be done at the expense of the public generally, and be paid out of the general funds of the municipality.

(5 amended May 4, 1927, P.L.733, No.380)

Section 5.1. (a) A county, city, borough, incorporated town, township, home rule municipality, optional plan municipality or optional charter municipality may accept the donation of a property that is subject to a claim for taxes. A municipal authority, other than a redevelopment authority, or a school district may participate in a donation pursuant to subsection (g). A municipality shall provide written notice to other local municipalities or their designees under subsection (f) of a donation proposed by the owner of the property. A donation under this subsection shall not be accepted less than thirty days after notice to all other municipalities which have a claim for taxes on the subject property under this act. A donation under this subsection shall operate to divest all liens against the property possessed by the municipality accepting the donation and all other local tax liens recorded prior to the date of donation, except as otherwise provided in this section and except mortgages recorded prior to the tax liens.

(b) A municipality which receives a notice of proposed donation may request to participate in negotiations with regard to the donation and extinguishment of all or part of its liens and with regard to proposals to return the property to the tax rolls or to productive public use. A municipality which does not respond in writing to the notice within thirty days of its receipt of the notice shall waive its right to participate in the donation negotiations, and its lien shall be extinguished. A municipality participating in donation negotiations may agree to extinguish all existing liens against the property in exchange for full or partial satisfaction of its claims upon future sale of the property by the municipality accepting the donation. Every negotiation shall consider the structure and condition of the property, the market value of the property in its current condition, the best use of the property given the neighborhood and local ordinances and the costs to cure any defects, including defects in title.

(c) A donation under this subsection shall be by deed recorded, and registered where required, with the county recorder of deeds. The deed shall be accompanied by recorded satisfactions of any and all claims for taxes which are extinguished by virtue of the donation. In all instances the satisfaction from the municipality which is accepting ownership of the property pursuant to the donation shall provide for full extinguishment of all claims under this act possessed by it. Satisfactions of liens shall provide that all claims of all municipalities in which the property is located are discharged and extinguished, unless terms are otherwise agreed upon between the owner and the municipalities participating in the donation negotiations.

(d) Property that has been donated under this section shall be exempt from claims for taxes from all the municipalities in which it is located during the time that it remains in the ownership of the county, city, borough, incorporated town, township, home rule municipality, optional plan municipality, optional charter municipality, redevelopment authority or school district to which it was donated.

(e) Notwithstanding any other provision of law, an owner who donates property under this section shall not be personally

liable for the amount of claims for taxes exempted or extinguished as a result of the donation.

(f) A county, city, borough, incorporated town, township, home rule municipality, optional plan municipality or optional charter municipality in which the property is located may designate another such municipality, or a redevelopment authority in which the property is located, to act as its agent with regard to a donation under this section. A single municipality or the redevelopment authority may be selected as the agent for all municipalities holding a tax claim or lien. In returning the property to the tax rolls or to productive public use, a municipality or a redevelopment authority may seek the assistance of a community development corporation serving the area where the property is located.

(g) A school district or municipal authority, other than a redevelopment authority, may participate in the provisions of this section only if the school district or municipal authority has designated an agent in accordance with subsection (f). Nothing in this subsection shall prevent a school district or municipal authority from taking title to a donated property if it is determined during negotiations that the best manner to return the property to productive use is to allow a school district or municipal authority to use the property for purposes directly related to the mission of the district or authority.

(5.1 added Feb. 21, 2006, P.L.46, No.18)

Section 6. Where any real estate in this Commonwealth is owned by joint tenants, tenants in common, or coparceners, and any joint tenant or tenant in common or coparcener has paid his or their proportionate amount of the taxes due thereon, any municipality may file a claim for the unpaid taxes against the estate, title, and interest of the owner or owners who have not paid his, her, or their proportionate share of the tax. Whenever a claim for taxes shall have been filed against real estate owned by joint tenants, tenants in common, or coparceners, the claimant shall release the estate, title, and interest of any joint tenant, tenant in common, or coparcener from said tax claim, upon payment by said joint tenant, tenant in common, or coparcener of his, her, or its proportionate share of the taxes included therein, with proportionate interest and costs, when any property in this Commonwealth is owned by more than one owner or part owner, and the estate and title of any owner, or part owner, is either exempt from taxation or municipal claims, or has not been subjected by law to taxation or municipal claims, the estate and title of such owner or owners as may not be exempt from taxation or municipal claims, or has been subjected thereto, shall be subject to the tax and municipal claims provided for in this act as any other real property liable to assessment for taxes and municipal claims; the lien being filed against all the estate, title, and interest of the owner or owners subject to the claim.

(6 amended May 4, 1927, P.L.733, No.380)

Section 7. No claim shall be filed for curbing, recurbing, paving, repaving, or repairing the footways of any highway, unless the owner shall have neglected to do said work for such length of time as may be described by ordinance, after notice so to do, served upon him or his known agent or occupant of the property, except when, in the case of curbing or recurbing or repaving the footway, it shall form part of an improvement resulting also in the paving, macadamizing, or otherwise improving the cartway of said highway; and if there be no agent or occupant known by claimant, it may be posted on the most public part of the property.

Section 8. Where claims are to be filed to use, the claimant, at least one month before the claim is filed, shall serve a written notice of his intention to file it unless the amount due is paid. Service of such notice may be made personally on the owner wherever found, but if he cannot be served in the county where the property is situated, such notice may be served on his agent or the party in possession of the property; and if there be no agent or party in possession, it may be posted on the most public part of the property.

The provisions of this section shall not apply if the use-plaintiff is a city, borough, or township to which a municipal claim of a municipal authority organized by a city of the second class, by a county of the second class or by a city of the third class has been assigned or sold, as provided in section four of this act, and the procedure for filing, reviving and enforcing liens for such assigned claim shall be the same as is provided in this act for filing, reviving and enforcing liens based on such use-plaintiff's own municipal claims.

(8 amended July 28, 1953, P.L.678, No.212)

Section 9. Claims for taxes, water rents or rates, lighting rates, power rates and sewer rates must be filed in the court of common pleas of the county in which the property is situated unless the property is situate in the City of Philadelphia and the taxes or rates do not exceed the maximum amount over which the Municipal Court of Philadelphia has original jurisdiction, in which event the claim must be filed in the Municipal Court of Philadelphia. All such claims shall be filed on or before the last day of the third calendar year after that in which the taxes or rates are first payable, except that in cities and school districts of the first class claims for taxes and other municipal claims, which have heretofore become liens pursuant to the provisions of this act or which have been entered of record as liens or which have been liened and revived, shall continue and remain as liens for the period of twenty years from such revival, entry or lien by operation of law, whichever shall have last occurred; and other municipal claims must be filed in said court of common pleas or the Municipal Court of Philadelphia within six months from the time the work was done in front of the particular property, where the charge against the property is assessed or made at the time the work is authorized; within six months after the completion of the improvement, where the assessment is made by the municipality upon all the properties after the completion of the improvement; and within six months after confirmation by the court, where confirmation is required; the certificate of the surveyor, engineer, or other officer supervising the improvement, filed in the proper office, being conclusive of the time of completion thereof, but he being personally liable to anyone injured by any false statement therein. Where a borough lies in more than one county, any such claim filed by such borough may be filed in each of such counties. In case the real estate benefited by the improvement is sold before the municipal claim is filed, the date of completion in said certificate shall determine the liability for the payment of the claim as between buyer and seller, unless otherwise agreed upon or as above set forth. A number of years' taxes or rates of different kinds if payable to the same plaintiff may be included in one claim. Interest as determined by the municipality at a rate not to exceed ten per cent per annum shall be collectible on all municipal claims from the date of the completion of the work after it is filed as a lien, and on claims for taxes, water rents or rates,

lighting rates, or sewer rates from the date of the filing of the lien therefor: Provided, however, That after the effective date of this amendatory act where municipal claims are filed arising out of a municipal project which required the municipality to issue bonds to finance the project interest shall be collectible on such claims at the rate of interest of the bond issue or at the rate of twelve per cent per annum, whichever is less. Where the provisions of any other act relating to claims for taxes, water rents or rates, lighting rates, power rates, sewer rents or rates or for any other type of municipal claim or lien utilizes the procedures provided in this act and where the provisions of such other act establishes a different rate of interest for such claims or liens, the maximum rate of interest of ten per cent per annum as provided for in this section shall be applicable to the claims and liens provided for under such other acts: Provided, however, That after the effective date of this amendatory act where municipal claims are filed arising out of a municipal project which required the municipality to issue bonds to finance the project interest shall be collectible on such claims at the rate of interest of the bond issue or at the rate of twelve per cent per annum, whichever is less.

Claims for taxes, water rents, or rates, lighting rates, power rates and sewer rates may be in the form of written or typewritten lists showing the names of the taxables, including the name and last known address, with its zip code, of the owner of each property against which a claim is being filed, and descriptions of the properties against which the claims are filed, together with the amount of the taxes due such municipality. Such lists may be filed on behalf of a single municipality, or they may cover the unpaid taxes due any two or more municipalities whose taxes are collected by the same tax collector, provided the amounts due each municipality are separately shown. All tax claims, water rents, or rates, lighting rates, power rates and sewer rates, heretofore filed in such form, are hereby ratified, confirmed and made valid subsisting liens as of the date of their original filing.

A number of years' taxes or rates of different kinds, if payable to the same plaintiff, may be included in one claim. Municipal claims shall likewise be filed within said period, where any appeal is taken from the assessment for the recovery of which such municipal claim is filed. In such case the lien filed shall be in the form hereinafter provided, except that it shall set forth the amount of the claim as an undetermined amount, the amount thereof to be determined by the appeal taken from the assessment upon which such municipal claim is based, pending in a certain court (referring to the court and the proceeding where such appeal is pending). Upon the filing of such municipal claim, the claim shall be indexed by the prothonotary upon the judgment index and upon the locality index of the court, and the amount of the claim set forth therein as an undetermined amount.

If final judgment is not obtained upon such appeal within twenty years from the filing of such municipal claim, the claimant in the lien shall, within such period of twenty years, file a suggestion of nonpayment, in the form hereinafter set forth, which shall have the effect of continuing the lien thereof for a further period of twenty years from the date of filing such suggestion, except that with respect to claims for taxes and other municipal claims, in cities and school districts of the first class, if final judgment is not obtained upon such appeal within twenty years from the filing of such municipal

claims, the claimant in the lien shall, within such period of twenty years, file a suggestion of nonpayment in the prescribed form which shall have the effect of continuing the lien thereof for a further period of twenty years from the date of filing such suggestion. Such municipal claim shall be revived in a similar manner during each recurring period of twenty years thereafter, until final judgment is entered upon said appeal and the undetermined amount of such municipal claim is fixed in the manner hereinafter provided, except that with respect to claims for taxes and other municipal claims, in cities and school districts of the first class, such municipal claims shall be revived in a similar manner during each recurring period of twenty years thereafter until final judgment is entered upon said appeal and the undetermined amount of such municipal claim is fixed in the manner hereinafter provided.

When the final judgment is obtained upon such appeal, the court in which said municipal claim is pending shall, upon the petition of any interested party, make an order fixing the undetermined amount claimed in such claim at the amount determined by the final judgment upon said appeal, which shall bear interest from the date of the verdict upon which final judgment was entered, and thereafter the amount of said claim shall be the sum thus fixed. Proceedings upon said municipal claim thereafter shall be as in other cases.

Where, on final judgment upon said appeal, it appears that no amount is due upon the assessment for the recovery of which such claim is filed, the court in which such municipal claim is pending shall, upon the petition of any interested party, make an order striking such municipal claim from the record, and charge the costs upon such claim to the plaintiff in the claim filed.

Where such appeal is discontinued, the court in which such municipal claim is pending shall, upon the petition of any interested party, make an order fixing the undetermined amount claimed at the amount of the original assessment, which shall bear interest from the date that such assessment was originally payable, and thereafter the amount of such claim shall be the sum thus fixed.

In counties of the second class and municipalities therein, interest at the applicable per annum rate shall accrue monthly on all taxes, tax claims and municipal claims on the first day of the month for the entire month, or part thereof, in which the taxes, tax claims or municipal claims are paid. Interest shall not be paid on a per diem basis. In counties of the second class, all county taxes after the same become delinquent, as provided by law, shall include a penalty of five per centum for such delinquency.

In counties of the second class, taxes and tax claims, when collected, shall be paid into the county treasury for the use of the county unless the taxes and tax claims are assigned, in which event there is no requirement that the taxes and tax claims collected by the assignee be paid into the county treasury.

In counties of the second class, the county shall not be required to advance or pay any fee to the prothonotary for the filing of paper or electronic filing or performing any services for the second class county relating to the filing, satisfaction, assignment, transfer, revival, amendment, enforcement and collection of taxes, tax claims and tax liens. The prothonotary shall accept filings by or on behalf of the second class county relating to the taxes, tax claims and tax liens and note the cost for such service performed on the

docket, and the second class county, its employees, representatives, agents and assigns shall thereafter collect such fee as a cost as part of the taxes, tax claims and tax liens.

(9 amended Feb. 21, 2006, P.L.46, No.18)

Compiler's Note: Section 10 of Act 20 of 2003, which amended section 9, provided that the amendment of section 9 shall be retroactive to January 1, 1996.

Section 10. Said claim shall set forth:

1. The name of the municipality by which filed;
2. The name and last known address, including its zip code, 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 shall be signed by, or have stamped thereon a facsimile signature of, the solicitor or chief executive officer of the claimant, or the chief of its delinquent tax bureau, except that, in counties of the second class, said claim or claims for county taxes, levies or assessments shall be signed by, or have stamped thereon a facsimile signature of, the county 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.

(10 amended Feb. 21, 2006, P.L.46, No.18)

Section 11. The property described in tax claims shall include the whole property against which the tax is levied. The property described in municipal claims may include the whole contiguous property, or it may include only the lot in front of or upon which the work is done, or to which service is supplied, of such depth as is usual in properties of the same kind or character in the particular neighborhood. No municipal claim or tax claim shall be invalid by reason of including therein property to a greater depth than as above provided, but the court in which the same is filed may, at any time prior to judgment thereon, but not afterwards, upon it appearing that such claim includes property to a greater depth than is hereby made subject to such claim, limit the lien thereof to the proper depth. Where any owner or owners of property abutting on a highway conveys or convey, or at any time heretofore has or have conveyed, a strip of land abutting on said highway, which strip is too narrow to be used as a site for the smallest width dwelling allowed by law to be erected thereon, such conveyance shall be deemed to be made for the purpose of evading liability for the municipal improvements made or to be made in such highway, and, in such cases, the assessment may be made at the option of the municipality, against the lot as it existed before the division, and the lien may be filed against the entire lot as thus assessed, joining the owners of both the rear lot and

the said strip in the claim. In all cases where a tax is levied on or filed against separate and distinct properties, in one amount covering all, the proper public authority shall, if tendered with all costs, if any, accept payment of the portion of the whole amount of said tax chargeable upon each or any of the separate and distinct properties so charged together, according to the tax rate and assessed valuation thereof, and payment and satisfaction of any one portion may be made without prejudice to the claim against the remainder.

(11 amended May 4, 1927, P.L.733, No.380)

Section 12. Any person having an interest in the property, whensoever acquired, may, after ten days' prior notice in writing, by leave of court, intervene as a party defendant and make defense thereto, with the same effect as if he had been originally named as a defendant in the claim filed. And the claimant may, by writing filed at his costs, strike off the name of any defendant therein, and may substitute as a defendant, and issue a scire facias against, any person who may have any interest therein as owner, or who is the personal representative of an owner who has died either before or after filing the claim, but such substitution shall always be without prejudice to any intervening rights.

Section 13. In all cases where a tax or municipal claim is levied on or filed against separate and distinct properties as one estate, it shall and may be lawful for the proper public authority, either before or after filing a claim therefor, to apportion the same ratably upon the separate and distinct properties so assessed together. And the court in which the claim is filed, on proof that the properties were separate and distinct at the time the tax was levied or the work was done, shall, at any stage of the proceedings, apportion the charge against such properties. When apportioned, they shall be treated and considered in all respects as if separate and distinct claims had been filed; and payment and satisfaction of any one portion may be made without prejudice to the claim as against the rest.

Section 14. Any defendant named in the claim, or any person allowed to intervene and defend thereagainst, may, at any stage of the proceedings, present his petition, under oath or affirmation, setting forth that he has a defense in whole or in part thereto, and of what it consists; and praying that a rule be granted upon the claimant to file an affidavit of the amount claimed by him, and to show cause why the petitioner should not have leave to pay money into court; and, in the case of a municipal claim, to enter security in lieu of the claim; whereupon a rule shall be granted as prayed for. Upon the pleadings filed, or from the claim and the affidavit of defense, and without a petition where an affidavit of defense has been filed, the court shall determine how much of the claim is admitted or not sufficiently denied; and shall enter a decree that upon payment by such petitioner to the claimant of the amount thus found to be due, with interest and costs if anything be found to be due, or upon payment into court, if the claimant refuses to accept the same, and upon payment into court of a sum sufficient to cover the balance claimed, with interest and costs, or upon the entry of approved security in the case of a municipal claim, that such claim shall be wholly discharged as a lien against the property described therein, and shall be stricken from the judgment index. Thereafter the material, disputed facts, if any, shall be tried by a jury, without further pleadings, with the same effect as if a writ of scire facias had duly issued upon said claim, to recover the balance

thereof; but the jury shall be sworn to try the issues between the claimant and the parties who paid the fund into court or entered security, and verdict, judgment and payment, or execution, shall follow as in other cases. The same course may be pursued, at the instance of any owner, where the claim has not in fact been filed, and if, in that event, the petitioner complies with the decree made, the money paid into court or security entered shall stand in lieu of the claim and the latter shall not be filed, and if filed shall be stricken off upon motion.

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, That either a suggestion of nonpayment and an averment of default, in the form hereinafter provided, be filed, either before or after judgment on the scire facias or else a writ of scire facias, in the form herein provided, be issued to revive the same, within each period of twenty 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, except that in cities and school districts of the first class with respect to taxes and other municipal claims, the period within which such liens may be revived shall be twenty years.

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

And now, the claimant, by, its solicitor, or by chief of its delinquent tax bureau, or, in counties of the second class, by the county 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.

Such suggestion and averment shall be signed by, or have stamped thereon a facsimile signature of, the solicitor or chief executive officer of the claimant, or the chief of its delinquent tax bureau, except in counties of the second class, in which case it shall be signed by, or have stamped thereon a facsimile signature of, the county controller. The prothonotary shall docket and index the suggestion and averments directed therein.

The filing and indexing of such suggestion and averment within twenty years, or in any city or school district of the first class within twenty 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 no writ of levavi facias shall be issued upon a claim for the purpose of exposing the property lien 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 twenty years, or in any city or school district of the first class within twenty years,

of the issuance of the levari 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 twenty years therefrom, or in any city or school district of the first class within twenty years, 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.

The charge for filing the claim of a municipality or municipality authority shall include the cost of marking the record paid and satisfied. When the claim and costs are paid the municipality or municipality authority shall so notify the prothonotary.

Notwithstanding any other provision of this or any other act to the contrary, all judgments in favor of cities, counties and school districts of the first class relating to self-assessed taxes as defined in section 2 of the act of December 1, 1959 (P.L.1673, No.616), known as the "Self-Assessed Tax Lien Act," may be revived in the manner provided for in this section.

(15 amended Dec. 14, 1992, P.L.858, No.135)

Section 15.1. (15.1 repealed July 28, 1941, P.L.522, No.211)

Section 15.2. (15.2 repealed July 28, 1941, P.L.522, No.211)

Section 15.3. (15.3 repealed July 28, 1941, P.L.522, No.211)

Section 16. Any party named as defendant in the claim filed, or admitted to defend thereagainst, may file, as of course, and serve a notice upon the claimant or upon the counsel of record to issue a scire facias thereon, within fifteen days after notice so to do. If no scire facias be issued within fifteen days after the affidavit of service of notice is filed of record, the claim shall be stricken off by the court, upon motion. If a scire facias be issued in accordance with such notice, the claimant shall not be permitted to discontinue the same, or suffer a nonsuit upon the trial thereof, but a compulsory nonsuit shall be entered by the court if the claimant does not appear, or withdraws, or for reason fails to maintain his claim.

Section 17. The claim shall be sued by writ of scire facias, and the form thereof shall be substantially as follows:

The Commonwealth of Pennsylvania to (names of the parties defendant), Greeting:

Whereas, The (city, borough, or other municipality, as the case may be,) on the day of, A.D. 1....., filed its claim in our court of common pleas of County; at No, Term, 1....., M.L.D., for the sum of \$....., with interest from the day of, 1, for (give the improvement, or that for which the claim is filed), against the following property situate in (give location and brief description of the property), owned or reputed to be owned by you.

And whereas, We have been given to understand that said claim is still due and unpaid, and remains a lien against the said property;

Now, you are hereby notified to file your affidavit of defense to said claim, if defense you have thereto, in the office of the prothonotary of our said court, within fifteen days after the service of this writ upon you. If no affidavit of defense be filed within said time, judgment may be entered

against you for the whole claim, and the property described in the claim be sold to recover the amount thereof.

Witness the Honorable....., President Judge of our said court, this.....day of....., A.D. 1.....

.....Prothonotary.

(Seal.)

The claimant, when he files his praecipe for the writ of scire facias, may direct the prothonotary to add and insert the names of any persons whom the claimant may know to have an interest in the premises, and the scire facias shall be issued containing such additional names. But the parties to the claim may agree upon an amicable scire facias, upon such terms as may be agreed upon, with the same effect as if a scire facias, in the form aforesaid, had been duly issued, served, and returned; or the defendants, or any of them, may waive the issue of a scire facias, and appear with like effect as if the scire facias had been issued and served.

Section 18. The sheriff to whom the scire facias is given for service shall add to the writ, as parties defendant, all persons, other than those named therein, who may be found in possession of the property described, or any part thereof, and in case no one is found in possession by the sheriff, he shall post a true copy of the writ on the most public part of said property; and he shall add to the said writ the names of any persons, not already named therein, whom he may ascertain to have an interest in the property described, or any part thereof, which writ shall then be further served as follows:

(a) By serving, as in the case of a summons, such of those named in the writ, or added thereto, as may be found in the county in which the writ issued; and,

(b) Where the sheriff has information that those named in the writ, or added thereto, or any of them, may be found in any other county of this Commonwealth, the said person shall be served, as in the case of a summons, by the sheriff of the county in which the said defendants or any of them may reside, he being deputized for that purpose by the sheriff of the county in which the writ issues; and,

(c) In case any of those named in the writ, or added thereto, cannot be found by the sheriff, or their residences within this Commonwealth are unknown to him, or in case they reside without the Commonwealth, the said writ may be served by advertising a copy thereof, or a brief notice of the contents of the same, once a week for three successive weeks, in one newspaper of general circulation in the county, and in the legal periodical, if any, designated by the court for that purpose: Provided, however, That any defendant may accept service of said writ, in person or by counsel, with the same effect as if duly served therewith by the sheriff.

Where the said writ, or the brief notice of the contents thereof, have been advertised as aforesaid, the same shall have the same effect as if the writ had been personally served; and all those named therein, or added thereto, as to whom publication has been made, shall file their affidavit of defense, as required by the said writ, within fifteen days after the date of the last weekly advertisement of the said writ; and all those named therein or added thereto, who have been served as in case of a summons, shall file their affidavit of defense, as required by said writ, within fifteen days after such service. Service of any such writ may be made at any time within three months from the date on which it was issued, but it shall

be served and returned at the earliest date possible, and the plaintiff may require its return at any time, whether or not it be actually served.

Section 19. If no affidavit of defense be filed within the time designated, judgment may be entered and damages assessed by the prothonotary by default, for want thereof. Such assessment shall include a fee for collection to plaintiff's attorney in accordance with section 3.

If an affidavit of defense be filed, a rule may be taken for judgment for want of sufficient affidavit of defense, or for so much of the claim as is insufficiently denied, with leave to proceed for the residue.

The defendant may, by rule, require the plaintiff to reply, under oath or affirmation, to the statements set forth in the affidavit of defense, and after the replication has been filed may move for judgment on the whole record.

(19 amended Feb. 7, 1996, P.L.1, No.1)

Section 20. Tax claims and municipal claims shall be prima facie evidence of the facts averred therein in all cases; and the averments in both tax and municipal claims shall be conclusive evidence of the facts averred therein, except in the particulars in which those averments shall be specifically denied by the affidavit of defense, or amendment thereof duly allowed. A compulsory nonsuit, upon trial, shall be equivalent to a verdict for defendant, whether the plaintiff appeared or not. If plaintiff recovers a verdict, upon trial, in excess of the amount admitted by the defendant in his affidavit of defense or pleadings, he shall be entitled to reasonable attorney fees for collection in accordance with section 3.

(20 amended Jan. 29, 1998, P.L.28, No.6)

Section 21. The judgment upon such claim may be revived by writ of scire facias in the following form:

The Commonwealth of Pennsylvania, to C.D. and E.F., Greeting:
Whereas, A.B., claimant, on the day of....., A.D. 1...., recovered judgment in the sum of dollars against you, that the following described property be sold to satisfy the same:

(Here describe property in full.)

And whereas, We have been given to understand that though judgment, as aforesaid, was rendered, yet the amount thereof is still due and unpaid, and remains as a lien against said property. Now, you are hereby notified to file your affidavit of defense to A.B.'s claim upon said judgment, if any defense you have, in the office of the prothonotary of our said court, within fifteen days after service of this writ upon you. If no affidavit of defense be filed within that time, said judgment may be revived against you for the amount set forth, with interest from the time of its recovery, and said property to be sold to recover the whole thereof.

Witness the Hon....., President Judge of our said court, this.....day of....., A.D. 1.....

(Seal.)Prothonotary.

But the parties to the judgment may agree upon an amicable scire facias to revive, or to an amicable judgment of revival, upon such terms as may be agreed upon, with the same effect as if a scire facias in the form aforesaid had been duly issued, served, and returned.

Where the name of more than one defendant is included in the scire facias described in this section, the prothonotary shall be entitled to an additional fee of twenty-five cents (\$.25) for each extra name so included.

(21 amended May 20, 1949, P.L.1494, No.448)

Section 22. Said writ of scire facias shall be served, and the proceedings thereon shall be conducted, as to persons who are found by the sheriff, in the manner hereinbefore provided for the original scire facias sur claim; but, in any and all events, a return of nihil habet to the writs to revive shall be equivalent to personal service upon the defendants. The practice and procedure following said scire facias to revive, so far as applicable, shall be the same as in the case of the original scire facias to collect the claim.

(22 amended Apr. 24, 1931, P.L.61, No.48)

Section 23. All judgments for the plaintiff, whether on the original scire facias or any scire facias to revive, shall be de terris only, and shall be recovered out of the property bound by lien, and not otherwise; but the costs, whether as against the plaintiff, or the defendant actually defending against the claim, may be recovered by execution as in personal actions.

Section 24. After the expiration of twenty days from the recovery of judgment, whether on the original scire or any scire facias to revive, except in cases where the property named is essential to the business of a quasi public corporation, the court shall, upon the petition of the plaintiff, appoint a sequestrator of the rents, issues, and profits of the property bound by the judgment, unless in the meantime an appeal be taken, and approved security given to operate as supersedeas. If the owner against whom the judgment is entered be in possession of the property sequestered, or the party in possession refuse to pay a fair rent, the court shall, upon petition filed and served, grant a rule, and, if it be made absolute, award a writ in the nature of a writ of habere facias possessionem, directed to the owner and/or the party in possession commanding him or them to deliver such possession to the sequestrator within fifteen days thereafter, unless such property be occupied by the owner and his family for a home, in which case he shall be entitled to retain possession for a period of one month from the time the petition was served upon him. A sequestrator, once appointed, shall have power to retain possession as sequestrator until all the taxes owing at the time of his appointment shall have been collected or paid. He shall have power to lease the property for a period not exceeding one year with the usual privilege of renewal or termination thereof upon three months notice. He may make such repairs to the property as may be reasonably necessary to restore it to and maintain it in a tenantable condition. He may advertise for tenants and collect the costs of repairs and advertising from rentals collected or from a redeeming owner. He may appoint an agent or agents to collect the rentals of the property and pay such agent or agents the customary commissions for rent collections. All commissions, costs, and necessary expenses shall be deducted from the rents collected before paying the net balance towards the taxes. Any owner of the property may redeem it from the sequestrator and be again entitled to possession thereof upon payment of the net amount of taxes then owing upon the property after payment of the commissions, costs, and expenses of the sequestration proceedings. Upon payment of all taxes owing, either by a redeeming owner or by collection of rentals, the sequestrator shall transfer the possession of the property to the owner or owners subject to any existing lease or leases given or executed by the sequestrator, which said lease or leases shall be assigned to the owner.

Sequestrators appointed under this act shall have and exercise all the powers, and shall be entitled to use, all the

remedies conferred by the laws of this Commonwealth upon sequestrators in other proceedings, so far as they may be applicable.

(24 amended July 12, 1935, P.L.673, No.253)

Section 25. Every claim filed, scire facias issued, verdict recovered, and judgment entered, in accordance with the provisions of this act, shall be docketed in appropriate dockets, and, except as hereinafter provided, shall be entered upon the judgment index of the court. When a claim is stricken off or satisfied, the name of a defendant stricken out, a scire facias discontinued or quashed, or a verdict or judgment stricken off or satisfied, a note thereof shall be made on such docket or dockets: Provided, however, That in counties in which the filing of liens for county taxes was authorized by law prior to the passing of the act of one thousand nine hundred and one, aforesaid, the method of filing, entering, docketing, and indexing liens for county, road, poor, school, borough, school building, township, and other taxes, assessed in boroughs and townships in such counties, shall remain and be continued thereafter in the same manner and form as in use prior to the passage of the said act, approved June fourth, one thousand nine hundred and one, notwithstanding the passage of the same.

Section 26. (a) It shall be the duty of the prothonotaries of the courts of common pleas to keep a locality index, in which shall be entered all tax or municipal claims hereafter filed, and, upon any written order therefor, they shall give a certificate of search, showing all the claims filed against any property. For so doing they shall receive the sum of twenty-five cents, and five cents additional for each claim certified, and no more.

(b) (1) In addition to the requirements of subsection (a), the department or public official responsible for collection of delinquent taxes in a city of the first class or other municipality that utilizes this act for the collection of delinquent taxes, and the county treasurer in a county of the second class, shall maintain as a public record a list of all properties against which taxes were levied, the whole or any part of which were due and payable in a prior year and which remain unpaid. This list shall describe the property and identify its location, provide the name and last known address, including the zip code, of the owner of the property and the amount of unpaid taxes, penalties and interest due, for all years other than the current tax year. If taxes on the list are paid or another settlement had been agreed to or if a tax sale of the property is held, this fact shall be noted on the list.

(2) In addition to the requirements of subsection (a), the department or public official responsible for collection of delinquent taxes may report any nonpayment of taxes, including liens, to one or more consumer reporting agencies, as defined by the Fair Credit Reporting Act (Public Law 91-508, 15 U.S.C. § 1681 et seq.).

(26 amended Feb. 21, 2006, P.L.46, No.18)

Section 27. At any time before the property is sold, approved security may be entered for a stay of proceedings until the expiration of one year after the date of filing the claim. The entry of such security by the owner, before the entry of judgment on the claim, shall be equivalent to an admission by him that the property is liable for the claim. After the stay has expired the claimant may proceed upon the claim and the bond given, separately or simultaneously.

Section 28. Execution upon any judgment recovered upon any such claim, except where the property named is essential to the

business of a quasi public corporation, shall be by writ of levavi facias in the following form:

The Commonwealth of Pennsylvania:

To the sheriff of County, Greeting:

Whereas, A.B., claimant, on theday of, Anno Domini 1....., recovered judgment in the sum of dollars, with interest from the day of, Anno Domini 1....., and the costs amounting to dollars, in our court of common pleas of said county, of Term, No., M.L.D. against C.D. and E.F., that the following described property in your bailiwick be sold to satisfy the same, viz.:

(Here describe the property in full.)

Now, this is to command you that you expose the said property to sale by public vendue and outcry, after due advertisement according to law, and that return of said sale, with the moneys realized thereby and this writ, you make to our said court on the day of, Anno Domini 1.....

Witness the Honorable, President Judge of our said court, this day of, Anno Domini 1.....

Advertisement of such sale shall be made, and the deed to the purchaser shall be executed, acknowledged, and delivered, as in other real estate sales by the sheriff.

Section 29. The plaintiff in any judgment recovered on a tax or municipal claim may, upon paying the sheriff's costs, fix an upset price to be realized at any sale under such judgment, sufficient to pay all taxes and municipal claims, and all accrued but unfiled taxes and claims, in full. No sale shall be made on a judgment recovered on a tax or municipal claim except for a sum sufficient to pay all taxes and municipal claims in full, except as hereinafter provided, and the plaintiff in such judgment may purchase the property at such sale, for that sum, if no one bids a higher price therefor, except when a municipality is the real plaintiff in such judgment, and no one else bids a sum sufficient to pay sheriff's costs and all taxes and municipal claims in full, said municipality may purchase the property for the sheriff's costs thereon, subject to the lien of all taxes and municipal claims, and liens not otherwise discharged by the sale under existing law.

Upon a purchase by a municipality for the sheriff's costs, any income received from the property by the municipality in excess of that necessary for the upkeep of said property and the payment of insurance premiums thereon, and the cost of improvements thereto, shall be applied to the payment of the costs of sale, then to payment of all taxes liened and unliened, in the order of their priority, the oldest being paid first, and then to municipal claims in the same order.

(29 amended June 5, 1937, P.L.1732, No.361)

Section 30. Where judgment is recovered upon any claim, the property named in which is essential to the business of a quasi public corporation, the claimant shall have execution thereupon as in other cases of judgments against such corporations. Upon the distribution of any fund realized by a sale of the franchises and the whole or any part of the assets of the corporation, the court shall determine the actual value of the property bound by the lien, and the claim shall be preferred, with such other claims, to the extent of the value thus determined.

Section 31. The lien of a tax or a municipal claim shall not be divested by any judicial sale of the property liened, where the amount due is indefinite or undetermined, or where the same is not due and payable; nor shall the lien of a tax

or municipal claim be divested by any judicial sale of the property liened, as respects so much thereof as the proceeds of such sale may be insufficient to discharge; nor, except as hereinafter provided, shall a judicial sale of the property liened, under a judgment obtained on a tax or municipal claim, discharge the lien of any other tax or municipal claim than that upon which said sale is had, except to the extent that the proceeds realized are sufficient for its payment, after paying the costs, charges and fees, including reasonable attorney fees, expenses of the sale, and of the writ upon which it was made, and any other prior tax or municipal claims to which the fund may first be applicable. On any such sale being made all tax claims shall be paid out of the proceeds thereof: first, the oldest tax having priority; and municipal claims shall be paid next, the oldest in point of lien having priority. Mortgages, ground-rents, and other charges on or estates in the property which were recorded, or created where recording is not required, before any tax other than for the current year accrue, or before the actual doing of the work in front of or upon the particular property for which the municipal claim is filed, shall not be disturbed by such sale unless a prior lien is also discharged thereby.

In case the property be not sold for a sum sufficient to pay all taxes and municipal claims, together with the costs thereon, the plaintiff in any such claim may postpone the sale, without payment of costs, and file his petition setting forth that more than one year has elapsed since the filing of his claim; that he has exposed the property to sheriff's sale thereunder, and was unable to obtain a bid sufficient to pay the upset price in full; and, if the plaintiff is not a municipality as defined in this act, that he will bid sufficient to pay the upset price, and upon the production of searches or a title insurance policy showing the state of the record and the ownership of the property, and of all tax and municipal claims, mortgages, ground-rents, or other charges on or estates in the land, the court shall grant a rule upon all parties thus shown to be interested to appear and show cause why a decree should not be made that said property be sold, freed, and cleared of their respective claims, mortgages, charges, and estates. If, upon a hearing thereafter, the court is satisfied that service has been made of said rule upon the parties respondent, in the manner provided in section 39.2, and that the facts stated in the petition be true, it shall order and decree that said property be sold at a subsequent sheriff's sale day, to be fixed by the court without further advertisement, and the court may fix a common date and place of sale for more than one of said properties if it deems a joint sale to be advantageous. All property at sheriff's sale shall be sold, clear of all claims, liens, mortgages, charges, and estates, to the highest bidder at such sale; and the proceeds realized therefrom shall be distributed in accordance with the priority of such claims; and the purchaser at such sale shall take, and forever thereafter have, an absolute title to the property sold, free, and discharged of all tax and municipal claims, liens, mortgages, charges, and estates of whatsoever kind, subject only to the right of redemption as provided by law. In counties of the second class, upon return of the writ upon which the sale was made and upon the expiration of the statutory right of redemption and if no petition to set aside the sale is pending, the prothonotary shall satisfy all tax claims and municipal claims divested by the judicial sale in accordance with the order of court authorizing such sale.

Any person interested may, at any time before the sale, pay the petitioner the whole of his claim, with interest, costs, charges, expenses, fees and attorney fees, whereupon the proceedings on petition shall at once determine.

For the purpose of enabling the petitioner in any such proceedings to give the notice required, he may take the testimony of the defendant in the claim, or of any other person whom he may have reason to believe has knowledge of the whereabouts of any of the parties respondent, either by deposition, commission, or letters rogatory.

Any municipality, being a claimant, shall have the right, and is hereby empowered, to bid and become the purchaser of the property at such sale; and while the said property, so purchased, is held and owned by any county, city, borough, incorporated town, township, school district or a body politic and corporate created as a municipal authority pursuant to law, it shall not be subject to tax claims, unless it be redeemed by the former owner or other person having the right to redeem, as provided by law. If, however, a municipality shall become the purchaser at said sale, the former owner or other person, desiring to redeem, shall pay all taxes and municipal claims accrued and chargeable against the property prior to the sale thereof, together with the costs and interest thereon, and also all taxes and claims, whether filed or not, which would have accrued and become chargeable against the property had the same been purchased at the sale by some party other than the municipality.

Upon the delivery by the sheriff of a deed for any property sold under a tax or municipal claim, the judgment upon which such sale was had shall thereupon and forever thereafter be final and conclusive as to all matters of defense which could have been raised in the proceeding, including payment, and no error or irregularity in obtaining or entering of such judgment shall effect the validity thereof.

(31 amended Nov. 29, 2004, P.L.1299, No.163)

Compiler's Note: Section 10 of Act 20 of 2003, which amended section 31, provided that the amendment of section 31 shall be retroactive to January 1, 1996.

Section 31.1. In addition to the remedy prescribed in sections twenty-eight and thirty-one of this act, whenever a claimant in any county of the first class has obtained a judgment upon its tax or municipal claim, it may file its petition in the court in which the proceeding is pending, setting forth the facts necessary to show the right to sell, together with searches or a title insurance policy, showing the state of the record and the ownership of the property, and of all tax and municipal claims, mortgages, ground rents, or other charges on, or estates in, the land, as shown by the official records of the county, or the political subdivision in which the real estate is situate, and thereupon the court shall grant a rule upon all parties thus shown to be interested, to appear and show cause why a decree should not be made that said property be sold, freed and cleared of their respective claims, mortgages, ground rents, charges and estates, and without any right of redemption after such sale. If upon a hearing, thereafter the court is satisfied that service has been made of said rule upon all interested parties in accordance with section 39.2 and that the facts stated in the petition be true, it shall order and decree that said property be sold at a subsequent sheriff's sale at a time to be fixed thereafter by the claimant, at least one year after the date of the decree,

clear of all claims, liens, mortgages, ground rents, charges and estates to the highest bidder at such sale, and the proceeds realized therefrom, shall be distributed in accordance with the priority of such claims, liens, mortgages, ground rents, charges and estates, and the purchaser at such sale shall take and forever thereafter have an absolute title to the property sold, free and discharged of all tax and municipal claims, liens, mortgages, ground rents, charges and estates of whatsoever kind, and not thereafter subject to any right of redemption. Advertisement of such sale shall be made and the deed to the purchaser shall be executed, acknowledged and delivered as in other real estate sales by the sheriff: Provided, however, That any person interested may at any time prior to the proposed sale pay all the costs of the proceedings, including a reasonable fee for the necessary title search or title insurance policy to be fixed by the court, and all tax and municipal claims, penalties and interest thereon, charged against the property; whereupon the proceedings on petition shall at once determine, notice of this proviso shall be included with each service and in each publication of the aforesaid rule.

In addition to the remedy prescribed in section 28, whenever a municipality in any county of the second class has obtained a judgment on a tax or municipal claim, it may file its petition in the court in which the proceeding is pending. The petition shall set forth the facts necessary to show the right to sell; a title search or a title insurance policy showing the state of the record and the ownership of the property; and all tax and municipal claims, mortgages, ground rents or other charges on, or estates in, the land as shown by the official records of the county or the political subdivision in which the real estate is situate. The court shall issue a rule upon all parties named in the petition to appear and show cause why a decree shall not be made to sell the property free and clear of all claims, mortgages, ground rents, charges and estates and without any right of redemption after such sale. If, upon a hearing thereafter, the court is satisfied that proper service has been made of said rule on all interested parties in accordance with section 39.2 and that the facts stated in the petition are true, it shall order and decree that the property be sold at a subsequent sheriff's sale at a time fixed by the claimant, clear of all claims, liens, mortgages, ground rents, charges and estates, to the highest bidder at such sale, and the proceeds realized therefrom shall be distributed in accordance with the priority of such claims, liens, mortgages, ground rents, charges and estates, and the purchaser shall take and forever thereafter have an absolute title to the property sold, free and discharged of all tax and municipal claims, liens, mortgages, ground rents, charges and estates of whatsoever kind, and not thereafter subject to any right of redemption. Advertisement of such sale shall be made and the deed to the purchaser shall be executed, acknowledged and delivered as in other real estate sales by the sheriff. An interested person may, at any time prior to the proposed sale, pay all the costs, charges, expenses and fees and attorney fees of the proceedings, including the cost for the title search or title insurance policy, and all tax and municipal claims charged against the property, whereupon the sale proceedings shall at once terminate. Notice of this provision shall be included with each service of the aforesaid rule. In counties of the second class, upon return of the writ upon which the sale was made and if no petition to set aside the sale is pending, the prothonotary shall satisfy all tax claims and municipal claims divested by the judicial sale.

For the purpose of enabling the petitioner in any such proceedings to give the notice required, it may take the testimony of the defendant in the claim, or of any other person whom it may have reason to believe has knowledge of the whereabouts of any of the parties respondent, either by deposition, commission or letters rogatory.

Any claimant shall have the right, and is hereby empowered, to bid and become the purchaser of the property at such sale, and if such purchaser shall be a taxing authority within the county, such property, while held and owned by such taxing authority, shall not be subject to tax claims.

Upon the delivery by the sheriff of a deed for any property sold under the provisions of this section, the judgment upon which such sale was had shall thereupon and forever thereafter be final and conclusive, and the validity thereof shall not be questioned for any cause whatsoever.

(31.1 amended Aug. 14, 2003, P.L.83, No.20)

Compiler's Note: Section 10 of Act 20 of 2003, which amended section 31.1, provided that the amendment of section 31.1 shall be retroactive to January 1, 1996.

Section 31.2. (a) In addition to the remedies prescribed in sections 28, 31 and 31.1 of this act, in cities of the first class, whenever a claimant has filed its tax or municipal claim in accordance with the requirements of this act, it may file its petition in the court in which the proceeding is pending, setting forth the facts necessary to show the right to sell, together with searches or a title insurance policy, showing the state of record and the ownership of the property, and of all tax and municipal claims, mortgages, ground rents or other charges on, or estates in, the land, as shown by the official records of the city or county, or the political subdivision in which the real estate is situate, and thereupon the court shall grant a rule upon all parties thus shown to be interested, to appear and show cause why a decree should not be made that the property be sold, freed and cleared of their respective claims, mortgages, ground rents, charges and estates. If upon a hearing, the court is satisfied that service had been made of the rule upon the parties respondent in the manner provided in this act for the service of writs of scire facias to obtain judgments upon tax and municipal claims, and that contemporaneously with the service of the rule on the parties respondent notice of the rule has been published by the claimant in at least one newspaper of general circulation in the county, and in a legal periodical published therein, if any, and that the facts stated in the petition be true, it shall order and decree that the property be sold at a subsequent sheriff's sale at a time to be fixed thereafter by the claimant, clear of all claims, liens, mortgages, ground rents, charges and estates, to the highest bidder at such sale and after payment of the tax or municipal lien the balance of the proceeds realized therefrom, shall be distributed in accordance with the priority of the remaining claims, liens, mortgages, ground rents, charges and estates, and the purchaser at such sale shall take and forever thereafter have, an absolute title to the property sold, free and discharged of all tax and municipal claims, liens, mortgages, ground rents, charges and estates of whatsoever kind, subject only to the right of redemption as provided by law. The date of the sale shall be advertised in at least one newspaper of general circulation in the county and in the legal periodical published therein.

(b) The deed to the purchaser shall be executed, acknowledged and delivered as in other real estate sales by the sheriff. Deeds for property exposed for any sale under this section shall not be executed, acknowledged and delivered any sooner than thirty days nor later than one hundred and twenty days after the purchaser pays the balance due to the sheriff for any sale held under this section. Any person interested may at any time prior to the proposed sale pay all the costs of the proceedings, including the cost for the title search or title insurance policy, and all tax and municipal claims, penalties and interest thereon, charged against the property whereupon the proceedings on petition shall at once determine. ((b) amended Jan. 29, 1998, P.L.28, No.6)

(b.1) A city of the first class may, within thirty days of any sale held under this section, petition the court of common pleas to prohibit the transfer of any deed for any property exposed for any sale under this act which is located in that city to any purchaser who is proven to meet any of the criteria set forth in subsection (b.2). ((b.1) added Jan. 29, 1998, P.L.28, No.6)

(b.2) (1) The petition of a city of the first class shall allege that the purchaser has over the three years preceding the filing of the petition exhibited a course of conduct which demonstrates that a purchaser permitted an uncorrected housing code violation to continue unabated after being convicted of such violation and:

(i) failed to maintain property owned by the purchaser in a reasonable manner such that it posed a threat to health, safety or property; or

(ii) permitted the use of property in an unsafe, illegal or unsanitary manner such that it posed a threat to health, safety or property.

(2) A person who acts as an agent for a purchaser who sought to avoid the limitations placed on the purchase of property by this section shall be subject to the restrictions imposed by this section.

(3) Allegations under this subsection shall be proved by a preponderance of the evidence. In ruling on the petition, a court shall consider whether violations were caused by malicious acts of a current non-owner occupant and the control exercised by a purchaser in regard to his ownership interest or rights with other properties.

((b.2) added Jan. 29, 1998, P.L.28, No.6)

(b.3) A change of name or business status shall not defeat the purpose of this section. ((b.3) added Jan. 29, 1998, P.L.28, No.6)

(b.4) As used in this section:

"Purchaser" shall mean any individual, partner, limited or general partner, shareholder, trustee, beneficiary, any other individual with any ownership interest or right in a business association, sole proprietorship, partnership, limited partnership, S or C corporation, limited liability company or corporation, trust, business trust or any other business association.

"Uncorrected housing code violation" shall mean any conviction of a violation of the building, housing, property maintenance or fire code which is not remedied within six months of conviction.

"Violation" shall mean any conviction under a building, housing, property maintenance or fire code which posed a threat to health, safety or property, but not a conviction deemed by a court to be de minimis.

((b.4) added Jan. 29, 1998, P.L.28, No.6)

(c) For the purpose of enabling the petitioner in any proceedings to give the notice required, it may take the testimony of the defendant in the claim, or of any other person whom it may have reason to believe has knowledge of the whereabouts of any of the parties respondent, either by deposition, commission or letters rogatory.

(d) Any claimant may bid and become the purchaser of the property at such sale, and if such purchaser shall be a taxing authority within the city or county, such property while held and owned by such taxing authority, shall not be subject to tax claims, unless it be redeemed by the former owner or other person having the right to redeem, as provided by law. If, however, a city or county, or a taxing authority within the city or county, shall become the purchaser at said sale, the former owner or other persons, desiring to redeem, shall pay all taxes and municipal claims accrued and chargeable against the property prior to the sale thereof, together with the costs and interest thereon, and also all taxes and claims, whether filed or not, which would have accrued and become chargeable against the property had the same been purchased at the sale by some party other than the city or county, or a taxing authority within the city or county.

(e) Upon the delivery by the sheriff of a deed for any property sold under the provisions of this section, the judgment upon which such sale was had shall thereupon and forever thereafter be final and conclusive, and the validity thereof shall not be questioned for any cause whatsoever.

(31.2 amended Dec. 14, 1992, P.L.859, No.135)

Compiler's Note: Section 3 of Act 6 of 1998, which amended section 31.2, provided that the amendment of section 31.2 shall apply to all sales conducted on or after the effective date of Act 6.

Section 31.3. If with regard to two or more properties a municipality is authorized under section 31, 31.1 or 31.2 to petition the court for the individual sale of each property, free and clear of its respective claims, liens, mortgages, charges and estates, the municipality may join any number of the properties in a single petition, and the court may grant a rule upon all parties shown to be interested in any of the properties to appear and show cause why a decree should not be made that the properties which are the subject of the petition be sold together in one sale, free and clear of their respective claims, mortgages, charges and estates. If upon a hearing thereafter the court is satisfied that service has been made of the rule upon the parties in the manner provided in section 39.2 and that the facts stated in the petition be true, the court shall order and decree, subject to any applicable restrictions and limitations in section 31, 31.1 or 31.2, that the properties be sold together at one sale at a subsequent sheriff's sale day, to be fixed by the court without further advertisement, clear of all claims, liens, mortgages, charges and estates, to the highest bidder at such sale. If a judicial sale of multiple properties is ordered, any party shown to be interested in a particular property may, at any time before the sale, pay the municipality the whole of its claim relating to the particular property, with interest, costs, charges, expenses, fees and attorney fees, whereupon the proceedings on petition with regard to that property shall at once determine. A judicial sale of multiple properties shall not diminish the right of redemption with regard to any particular property that is a part of the sale.

(31.3 added Nov. 29, 2004, P.L.1249, No.163)

Section 32. (a) The owner of any property sold under a tax or municipal claim, or his assignees, or any party whose lien or estate has been discharged thereby, may, except as provided in subsection (c) of this section, redeem the same at any time within nine months from the date of the acknowledgment of the sheriff's deed therefor, upon payment of the amount bid at such sale; the cost of drawing, acknowledging, and recording the sheriff's deed; the amount of all taxes and municipal claims, whether not entered as liens, if actually paid; the principal and interest of estates and encumbrances, not discharged by the sale and actually paid; the insurance upon the property, and other charges and necessary expenses of the property, actually paid, less rents or other income therefrom, and a sum equal to interest at the rate of ten per centum per annum thereon, from the time of each of such payments. If both owner and creditor desire to redeem, the owner shall have the right so to do only in case he pays the creditor's claim in full. If more than one creditor desires to redeem, the one who was lowest in lien at the time of sale shall have the prior right, upon payment in full of the claim of the one higher in lien. Within nine months, one who was lower in lien may redeem from one higher in lien who has already redeemed, and the owner may redeem from him; and so on throughout, in each case by paying the claim of the one whose right was higher; and one higher in lien may redeem from one lower in lien, unless his claim is paid; but in each case the right must be exercised within nine months.

(b) Any person entitled to redeem may present his petition to the proper court, setting forth the facts, and his readiness to pay the redemption money; whereupon the court shall grant a rule to show cause why the purchaser should not reconvey to him the premises sold; and if, upon hearing, the court shall be satisfied of the facts, it shall make the rule absolute, and upon payment being made or tendered, shall enforce it by attachment.

(c) Notwithstanding any other provision of law to the contrary, in any city, township, borough or incorporated town, there shall be no redemption of vacant property by any person after the date of the acknowledgment of the sheriff's deed therefor. For the purposes of this subsection, property shall be deemed to be "vacant property" unless it was continuously occupied by the same individual or basic family unit as a residence for at least ninety days prior to the date of the sale and continues to be so occupied on the date of the acknowledgment of the sheriff's deed therefor.

(d) ((d) deleted by amendment).

(32 amended July 15, 2004, P.L.726, No.83)

Compiler's Note: Section 4 of Act 199 of 1990, which amended section 32, provided that section 32 shall apply to all sheriff's sales conducted on or after the effective date of Act 199.

Section 33. Any tax or municipal claim filed or to be filed, under the provisions of this act, and any judgment recovered thereon, may be assigned or transferred to a third party, either absolutely or as collateral security for an amount to be determined by the municipality or other assignor. The lien of such tax or municipal claim assigned shall continue as a tax or municipal claim in favor of the assignee. An assignee, upon assignment or reassignment of such tax or municipal claim not originating as a use-plaintiff claim of a nonmunicipality, shall have and enjoy the same rights, privileges and remedies as were held by the assigning municipality to enforce and collect the

assigned tax or municipal claim under the provisions of this act or any other laws applicable to the collection and enforcement of tax or municipal claims. A third party, upon assignment or reassignment of a use-plaintiff municipal claim originating with a nonmunicipality, shall have and enjoy the same rights, privileges and remedies as the original holder thereof to enforce and collect the assigned use-plaintiff municipal claim under the provisions of this act and any other laws applicable to the collection and enforcement of use-plaintiff municipal claims. A defendant, upon the assignment or reassignment of such tax, municipal claim or use-plaintiff municipal claim to a third party, shall have and enjoy the same rights and defenses under the provisions of this act and any other laws applicable to the collection and enforcement of taxes, tax claims, municipal claims and use-plaintiff municipal claims against the assignee that the defendant held against the assignor.

Where the tax or municipal claim has been paid in full by one of several defendants therein, whether originally named as such or allowed to intervene and defend, it shall be satisfied of record as to him, and marked to his use as against the other defendants, pro rata, according to their respective interests in the property bound by the claim.

(33 amended Aug. 14, 2003, P.L.83, No.20)

Compiler's Note: Section 10 of Act 20 of 2003, which amended section 33, provided that the amendment of section 33 shall be retroactive to January 1, 1996.

Section 34. Any claim, petition, answer, replication, scire facias, affidavit of defense, or other paper filed of record, may be amended, from time to time, by agreement of the parties, or by leave of the court upon petition for that purpose, under oath or affirmation, setting forth the amendment desired, that the averments therein contained are true in fact, and that by mistake they were omitted from or wrongfully stated in the particulars as to which amendment is desired. Such amendments shall be of right, saving intervening rights, except that no amendment of the claim shall be allowed, after the time for its filing has expired, which undertakes to substitute an entirely different property from that originally described in the claim, but the description of the property may be amended so as to be made more accurate, as in other cases of amendment.

The court may, for cause shown and filed of record, enlarge the time for filing the affidavit of defense, answer or replication, for issuing a scire facias or for entering security, by rule or special or standing order; and any judgment by default may be opened by the court, upon cause shown by intervenors or other defendants, as in other cases; but no enlargement of the time for issuing a scire facias shall extend the same beyond the time herein provided for preserving or retaining the lien thereof.

Section 35. Any rule granted under the provisions of this act may be made returnable at such time as the court may direct, either therein or by rule of court, or by special or standing order. All petitions, answers, and replications shall be under oath or affirmation. Answers must be filed and served within fifteen days after service of the petition, and rules and replications must be filed within fifteen days after service of the last of the answers. Replications must be confined to a reply to new matter set forth in the answers.

The facts averred by either party, and not denied in the answer or replication of the other, shall be taken as true in

all subsequent proceedings in the cause, without the necessity for proof thereof, unless amended as herein set forth. Any fact necessarily found by the court in finally determining a rule shall also be taken as true in all subsequent proceedings in the cause, without the necessity for proof thereof, unless either party, by writing filed and served at least ten days prior to the time fixed for trial, requires that it be submitted to the jury.

Section 36. Unless otherwise herein provided, all notices, petitions, and rules shall be served upon counsel for the parties interested or upon the parties themselves in the manner bills in equity are served, or upon the owner by leaving a copy with the party in possession of the real estate, or, in default of service in any of the methods stated, then in such manner as the court shall direct.

Section 37. Whenever security is required to be given in accordance with the provisions of this act, it may be approved by the prothonotary, subject to an appeal to the court as in other cases. If thereafter the security be found to be insufficient, new security may be required within a given time, in default of the entry of which the cause may proceed with the same effect as if none had been given, the sureties, however, remaining liable. By agreement of the parties, or upon approval by the court after notice, new security may be entered in lieu of that originally taken, and an exonerator entered on the first bond, or the security given may be limited to a particular property if clear of incumbrances, and, if also, the security be entered as a lien upon said property.

Section 38. In cases where there is a use-plaintiff, if the claim shall be paid or otherwise satisfied or discharged at any time before or after filing, it shall be the duty of the use-plaintiff, or his legal representatives, at the request of the owner, or of any other person interested, by a statement, in writing, showing how the claim was paid, satisfied, or discharged, and on the payment of costs, if any be due, to enter satisfaction on the record of such claim. In such cases a refusal to satisfy the claim for a period of sixty days after notice so to do, served upon the use-plaintiff or his agent or attorney, shall subject such use-plaintiff to a suit, as for penalty, at the hands of the party aggrieved, in such sum as the jury shall determine to be just but not exceeding the amount of the claim.

Section 39. (39 repealed Apr. 28, 1978, P.L.202, No.53)

Section 39.1. (a) Any owner of real property located within a city of the first class, any mortgagee thereof or any person having a lien or claim thereon or interest therein shall register a notice of interest with the department of the city of the first class responsible for collection of tax and municipal claims stating his name, residence and mailing address and a description of the real property in which the person has an interest. A notice of interest shall not be required for any mortgage or interest otherwise properly recorded in the Office of the Recorder of Deeds provided the document contains a current address sufficient to satisfy the notice requirements of this section. The interested party shall file an amended registration as needed.

(b) After the completion and filing of a notice of interest, a city of the first class shall serve all petitions, rules and other notices required by this act on those interested parties at the registered address.

(c) A city of the first class may promulgate regulations for the bulk registration of notices of interest.

(39.1 added Dec. 14, 1992, P.L.858, No.135)

Section 39.2. (a) In cities of the first class, notice of a rule to show cause why a property should not be sold free and clear of all encumbrances issued by a court pursuant to a petition filed by a claimant under section 31.2 of this act shall be served by the claimant upon owners, mortgagees, holders of ground rents, liens and charges or estates of whatsoever kind as follows:

(1) By posting a true and correct copy of the petition and rule on the most public part of the property;

(2) By mailing by first class mail to the address registered by any interested party pursuant to section 39.1 of this act a true and correct copy of the petition and rule; and

(3) By reviewing a title search, title insurance policy or tax information certificate that identifies interested parties of record who have not registered their addresses pursuant to section 39.1 of this act, the city shall mail by first class mail and either by certified mail, return receipt requested, or by registered mail to such addresses as appear on the respective records relating to the premises a true and correct copy of the petition and rule.

Service of notice pursuant to this section shall be deemed accomplished on the date of mailing. The city shall file an affidavit of service with the court prior to seeking a decree ordering the sale of the premises.

((a) amended Aug. 14, 2003, P.L.83, No.20)

(a.1) In counties of the second class and municipalities therein, notice of a rule to show cause why a property should not be sold free and clear of all liens and encumbrances issued by a court pursuant to a petition filed by a claimant under sections 28 and 31.1 of this act shall be served by the claimant upon owners, mortgagees, holders of ground rents, liens and charges or estates of whatsoever kind as follows:

(1) By posting a true and correct copy of the petition and rule on the most public part of the property.

(2) By reviewing a title search, title insurance policy or tax information certificate that identifies interested parties of record, the county or municipality shall mail by first class mail and either by certified mail, return receipt requested, or by certificate of mailing to such addresses as appear on the respective records relating to the premises a true and correct copy of the petition and rule. Notice pursuant to this section shall be deemed accomplished on the date of mailing. The county or municipality shall file an affidavit of service with the court prior to seeking a decree ordering the sale of the premises.

((a.1) added Aug. 14, 2003, P.L.83, No.20)

(b) No party whose interest did not appear on a title search, title insurance policy or tax information certificate or who failed to accurately register his interest and address pursuant to section 39.1 of this act shall have standing to complain of improper notice if the city shall have complied with subsection (a) of this section. This provision shall not apply if the mortgage or interest was otherwise properly recorded in the Office of the Recorder of Deeds and the document contains a current address sufficient to satisfy the notice requirements of this section. Notwithstanding any other requirement set forth in this act or any other law to the contrary, the notice required by subsection (a) of this section shall constitute the only notice required before a court may enter a decree ordering a tax sale.

(b.1) No party whose interest did not appear on a title search or title insurance policy, because of the party's failure to record or properly record its interest, shall have standing to complain of improper notice if the county or municipality shall have complied with subsection (a.1). This provision shall not apply if the mortgage or interest was otherwise properly recorded in the Office of the Recorder of Deeds and the document contains a current address sufficient to satisfy the notice requirements of this section. Notwithstanding any other requirement set forth by subsection (a.1), notice thereunder shall constitute the only notice required before a court may enter a decree ordering a tax sale free and clear of liens. ((b.1) added Aug. 14, 2003, P.L.83, No.20)

(c) Notice of the court's decree ordering a tax sale, together with the time, place and date of the sale, shall be served by first class mail on all parties served with the petition and rule, on any parties whose interest appeared of record after the filing of the petition but before the court's decree and on any creditor who has obtained judgment against the owner of the premises prior to the date of the decree. The city shall file an affidavit of service of these notices prior to the date of the sale.

(d) Except in cities of the first class, in sales pursuant to a petition filed by a claimant under section 31.1, notice of the court's decree ordering a tax sale, together with the time, place and date of the sale, shall be served along with the notice of sheriff's sale and shall be provided to all parties entitled to receive notice pursuant to Pa.R.C.P. No.3129.1 (relating to sale of real property; notice; affidavit). ((d) added Aug. 14, 2003, P.L.83, No.20)

(e) Except in cities of the first class, in sales pursuant to a petition filed by a claimant under section 28, notice of the court's decree ordering a sale, together with the time, place and date of the sale, shall be served by first class mail upon all parties who receive notice pursuant to Pa.R.C.P. No.3129.1 prior to the initial sale. Notice under this section shall be provided no later than seven days prior to the continued sale. ((e) added Aug. 14, 2003, P.L.83, No.20)

(39.2 amended Feb. 7, 1996, P.L.1, No.1)

Compiler's Note: Section 10 of Act 20 of 2003, which amended section 39.2, provided that the amendment of section 39.2 shall be retroactive to January 1, 1996.

Section 39.3. All parties wishing to contest the validity of any sale conducted pursuant to section 31.2 of this act, including the sufficiency of any notice, and any party claiming to have an interest in the premises which was not discharged by the sale must file a petition seeking to overturn the sale or to establish the interest within three months of the acknowledgment of the deed to the premises by the sheriff.

(39.3 amended July 15, 2004, P.L.726, No.83)

Section 39.4. Cities of the first class shall proceed on tax claims after one year of delinquency, unless the owner or an interested party enters into a payment agreement suitable to the claimant. The finance director of the city may preclude the sale of a property on a case-by-case basis if the sale would create an undue hardship on the property owner or occupant.

(39.4 added Dec. 14, 1992, P.L.858, No.135)

Section 39.5. The tax claim bureaus of the several counties may adopt and use the procedures set forth in this act in addition to the procedures set forth in the act of July 7, 1947 (P.L.1368, No.542), known as the "Real Estate Tax Sale Law."

(39.5 added Aug. 14, 2003, P.L.83, No.20)

Section 40. This act shall apply only to claims wherein the right to file a lien accrues after the date of its passage, and to tax claims for the years one thousand nine hundred and twenty-one, one thousand nine hundred and twenty-two, and one thousand nine hundred and twenty-three, and to municipal claims heretofore lawfully imposed or assessed within six months before the passage of this act and not liened at the time of its passage; but the rights of other claimants, under existing laws, shall remain unaffected by its passage, and all claims properly filed thereunder are hereby validated: Provided, however, That all tax and municipal claims filed under any prior act of Assembly, or directed to be filed under any such prior act or acts, including the act, approved the fourth day of June, one thousand nine hundred and one (Pamphlet Laws, three hundred and sixty-four), may hereafter be revived, continued, and collected under and according to the procedure and provisions of this act.

Section 41. Nothing contained in this act shall be construed to repeal or affect the validity of any other acts of Assembly providing other methods or remedies for the collection of taxes and municipal claims. Municipalities and use-claimants shall have and retain the right to proceed to collect such claims by assumpsit, distraint, or under the acts relating to the collection of taxes upon seated and unseated land, or in any other way or by any other method authorized by law, as though this act had not been passed. If any clause, phrase, section, or part of this act, is held to be unconstitutional, it shall not affect the validity of the remaining or other portions of the act.

All acts or parts of acts of Assembly of this Commonwealth, general, special, or local, including those relating to the redemption of property from sheriffs' sales on tax and municipal claims, appertaining to the subject matter covered by this act, and inconsistent herewith, shall be, and the same are hereby, repealed. It being intended that this act shall furnish a complete and exclusive system in itself, so far as relates to tax and municipal claims, except as hereinbefore set forth.

Nothing contained in this act shall be construed to repeal or to affect the validity of the act of Assembly, approved the first day of June, one thousand nine hundred and fifteen (Pamphlet Laws, six hundred and sixty), entitled "An act to amend an act, approved the twenty-first day of May, one thousand nine hundred and thirteen, entitled 'An act providing for the return of taxes on seated land in counties, poor districts, boroughs, incorporated towns, and townships, for county, poor, borough, town, or township taxes, respectively, and providing for the sale of such lands for taxes,' so as to include school taxes."