

CONCERNING LIENS IMPOSED BY CITIES OR SCHOOL DISTRICTS OF FIRST CLASS

Act of Nov. 21, 1959, P.L. 1583, No. 566

Cl. 53

AN ACT

Providing that in cities and school districts of the first class real estate tax, water rent and sewer rent claims or judgments not filed or revived within the time specified by law shall be reinstated and shall reattach as liens or judgments against the real estate against which such claims or judgments were originally assessed, under certain terms and conditions.

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

Section 1. Whenever any city or school district of the first class has heretofore failed or hereafter fails to file in the office of the prothonotary of the proper county, any real estate tax, water rent or sewer rent claim assessed against any property within the time limit required by law for such filing, whereby the lien of such tax, water rent or sewer rent claim is lost; or has heretofore filed or hereafter files any real estate tax claim, water rent or sewer rent claim assessed against any property and any such claim describes the property against which the claim was assessed only by the name of the owner and the distance from a given point; or has heretofore filed or hereafter files in the office of the prothonotary of the proper county any real estate tax, water rent or sewer rent claim and the city or school district has not, within the period of five (5) years after the date on which any such claim was filed, sued out a writ of scire facias to reduce the same to judgment or has not done so in time, or in the case of a real estate tax claim or water rent or sewer rent claim has not, within said period of five (5) years, filed a suggestion of nonpayment and an averment of default; or whenever any writ of scire facias has been issued to reduce any such claim to judgment and by reason of defense or any other court proceedings or by reason of failure to file a praecipe on time the judgment has not been entered within the period of five (5) years after the date on which such writ was issued; or whenever any such real estate tax, water rent or sewer rent claim has been reduced to judgment and the city or school district has not, within the period of five (5) years after the date on which such judgment was entered or within five (5) years after the date on which such judgment was last revived, filed a suggestion of nonpayment and averment of default or sued out a writ of scire facias to revive the same; then, in any such case, the city or school district may, within six (6) years after the effective date of this act, file or amend such real estate tax, water rent or sewer rent claim so as to properly describe the property against which the claim is assessed or issue its praecipe for a writ of scire facias on any such real estate tax, water rent or sewer rent claim and proceed to judgment in the manner provided by law to obtain judgments

upon real estate tax, water rent or sewer rent claims or in case a writ of scire facias has been issued but the same has not been reduced to judgment within (5) years from the date of issuance issue its praecipe for an alias writ of scire facias on any such real estate tax, water rent or sewer rent claim and proceed to judgment in the manner provided by law to obtain judgments thereon or in the case of a real estate tax, water rent or sewer rent claim where no judgment has been entered file a suggestion of nonpayment and an averment of default or in case judgment has been entered on a real estate tax or water rent or sewer rent claim, either file a suggestion of nonpayment and an averment of default or issue its praecipe for a writ of scire facias on any such judgment and proceed to judgment in the manner provided by law to obtain judgments of revival and such claims or judgment so entered or revived shall be a valid claim or judgment and be a lien upon the real estate upon which it was a lien at the time the claim was filed or the judgment was entered and said real estate tax, water rent or sewer rent claim or any judgments thereon may be revived or further revived and collected as other claims or judgments upon real estate tax, water rent or sewer rent claims are revived and collected: Provided further, That the lien of any such claim or judgment shall not reattach against any real estate transferred to any purchaser before such claim is filed or amended during the time when the lien of any such tax or municipal claim or judgment was lost, nor shall the lien of any such claim or judgment impair or affect the priority of the lien of any mortgage or other lien which gained priority because of the failure of the city or the school district to file such claim, or to properly describe the property against which the claim was assessed or to sue out the writ of scire facias or file a suggestion of nonpayment and an averment of default within the prescribed period, or was entered of record during the time the lien of such tax or municipal claim or judgment was lost; nor shall any such lien so revived impair or affect the priority of the lien of any mortgage or other lien which was entered prior to the real estate tax or water rent or sewer rent claim or which gained priority during the time such lien was not revived or was not effective.

(1 amended June 7, 1961, P.L.268, No.155)

Section 2. This act shall take effect immediately.