

SECOND CLASS COUNTY PROTHONOTARY FEE ACT

Act of Apr. 8, 1982, P.L. 303, No. 85

Cl. 42

AN ACT

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

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

Section 1. Short title.

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

Section 2. Fee schedule.

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

(1) Accounts and Reports.--The filing and docketing of a report or an account	\$11.00
(2) Appeals.--	
(i) The filing of an appeal to the Supreme, Superior or the Commonwealth Court.	\$50.00
(ii) The filing of any other appeal including an appeal from administrative agencies, arbitration, Petition for Writ of Certiorari and Appeals from a Magistrate's decision.....	35.00
(3) Bonds.--(Surety or cash) approved by court or prothonotary.....	\$10.00
(4) Certifications.--	
(i) Any certification of certificate..	\$8.00
(ii) Any exemplification.....	20.00
(iii) If the same involves more than one page, for each additional page.....	2.00
(iv) Certification of Notarial Certificate.....	15.00
(v) Certified copies of Divorce Decrees.....	10.00
Additional copies.....	5.00
(5) Commencement of actions.--Commencement of any civil action by writ of summons, complaint, amicable action, petition or otherwise including Actions in Assumpsit, Trespass, Ejectment, Quiet Title, Replevin, Mandamus, Quo Warranto, Divorce or Annulment of Marriage, Mortgage Foreclosure, Ground Rent Foreign Attachment, Fraudulent Debtor's Attachment Equity, Partition of Real Property, Actions to Prevent Waste, Actions upon Mechanics' Liens, Class Actions, Actions involving Minors, Declaratory Actions, Amicable Actions, except Complaint in Confession of Judgment (see "Judgments") and Commencement of Commonwealth Tax Liens (see "Liens"). This is a composite fee which includes the filing of all plaintiff's pleadings discovery or any other paper not otherwise provided for in this act except trial and trial listings, judgment, execution, attachment, revival and post judgment papers..	\$45.00
((5) amended Dec. 19, 1990, P.L.1385, No.213)	
(6) Deeds.--Acknowledgment of sheriff's or treasurer's deeds.....	\$5.00

(7) Defendant's first filing.--The filing on behalf of any defendant (or additional defendant) of the first pleading, entry of appearance, answer, preliminary objections, writ to join (with entry of appearance) or complaint against additional defendant, or other paper not otherwise provided for in this act. A pleading, appearance or other paper not otherwise provided for in this act filed on behalf of more than one defendant shall require only one fee. The filing of separate initial pleadings by defendants require a separate fee. This is a composite fee which includes the filing of all defendant's pleadings, discovery or any other paper not otherwise provided for in this act except trial and trial listings, judgment execution attachment, revival and post judgment papers..	\$15.00
(8) Eminent domain.--	
(i) Commencement of action by Declaration of Taking or Petition for Appointment of a Board of Viewers.....	\$35.00
(ii) Initial fee charged for each premises, parcel or plot.....	1.00
(9) Fictitious individual and corporate names.--	
(i) The filing of an application for the registration of an individual fictitious name	41.50
(ii) Any subsequent filing and cancellation.....	7.50
(iii) The filing of an application for the registration of a fictitious corporate name.....	51.50
(iv) Any subsequent filing including cancellation.....	7.50
((9) amended Dec. 19, 1990, P.L.1385, No.213)	
(10) Financing statements.--	
(i) ((i) repealed June 8, 2001, P.L.123, No.18)	
(ii) ((ii) repealed June 8, 2001, P.L.123, No.18)	
(11) Funds on deposit.--	
(i) Receiving and distributing money paid into court for each dollar under \$500.	(4%)
(ii) For each dollar exceeding \$500...	(1%)
(12) Joinder.--Defendants joinder of each additional defendant, except initial action with appearance, each.....	\$20.00
(13) Judgment.--	
(i) Entry of Judgment in any action commenced in this county.....	\$15.00
(ii) Entering from another jurisdiction.....	25.00
(iii) Entering by agreement.....	20.00
(iv) Judgment by confession.....	25.00
(v) Complaint in Confession of Judgment.....	25.00
(vi) Assignment of any Judgment.....	15.00
(14) Liens.--	
(i) The filing of any Federal Tax Lien, Mechanics' Lien or any lien not covered under this act, Waiver and "To the Use of Lien"	\$10.00

including Affidavit of Service, including all indexing.....	
(ii) Commencement of any Commonwealth Tax Lien, including the lien, complaint to use claims, Writs of Scire Facias, all pleadings, default judgment, the filing of any paper, except Revival, including indexing.....	10.00
(15) Notary Public.--Registration of notary public signature.....	\$5.00
(16) Papers.--The filing of any interlocutory paper not included in any composite fee.....	\$3.00
(17) Petitions.--The filing of an interlocutory petition or motion not included in any composite fee.....	\$10.00
(18) Power of attorney.--The filing of a power of attorney, including all services and revocation.....	\$20.00
(19) Partnerships and associations.--The filing of any partnership agreement or association under their applicable acts, including all subsequent papers and termination.	\$30.00
(20) Refunds.--There shall be no refund of any amount less than \$5.00 in the event of overpayment of fees.	
(21) Release of Lien.....	\$7.50
(22) Revivals.--The filing of any writ of Revival, petition, pleading and all papers....	\$25.00
(23) Searches.--	
(i) Every certified judgment or lien search for each period of five years or less, each property.....	\$20.00
(ii) Every certified locality search, for each period of five years or less, each property.....	20.00
(iii) ((iii) repealed June 8, 2001, P.L.123, No.18)	
(iv) Fictitious and Fictitious Corporate Name Searches:	
(A) Every certified search from the year 1953 to date or any fraction thereof from the Fictitious name or Fictitious Corporate name index.....	20.00
(B) Every five years theretofore or any fraction thereof.....	10.00
(C) Every search of any given five year period or any fraction thereof....	10.00
(v) ((v) repealed June 8, 2001, P.L.123, No.18)	
(24) Subpoena.--	
(i) Issuing a subpoena form.....	\$2.00
(ii) Producing a record in response to a subpoena based on four-hour service.....	20.00
(iii) Service beyond four hours or fraction thereof.....	15.00
(iv) For each mile traveled (round trip) for service out of county.....	.17
(25) Suggestion of nonpayment.-- Suggestion and averments.....	\$20.00

(26) Termination papers.--The fee for the filing of any satisfaction, discontinuance or termination type paper.....	\$5.00
(27) Trial and trial listings.--	
(i) Jury fee when case is placed at issue or appeal from arbitration demanding jury trial.....	\$50.00
(ii) Compulsory arbitration listing...	15.00
(iii) Orders for continuances.....	15.00
(iv) Certificate of readiness.....	15.00
(28) Writs of execution, possession or seizure.--Issuing any writ of execution, attachment, including indexing.....	\$20.00

Section 2.1. Establishment and modification of fees.

In counties of the second class on or after the effective date of this act, the prothonotary may establish, increase, decrease, modify or eliminate fees and charges with the approval of the president judge.

(2.1 added Apr. 29, 1994, P.L.158, No.28)

Section 2.2. Additional fee for computerizing prothonotary's office.

An additional fee may be charged and collected by the prothonotary of the court of common pleas of a county of the second class for the initiation of any action or legal proceeding. The additional fee shall be deposited into a special prothonotary computer fund established in each county of the second class. Moneys in the special fund shall be used solely for the purpose of computerizing the office of the prothonotary.

(2.2 added Apr. 29, 1994, P.L.158, No.28)

Section 3. Fees for similar services.

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

Section 4. Fees exclusive of taxes.

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

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

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

Section 6. Jury fee.

The jury fee when paid shall not be refunded.

Section 7. Repeals.

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

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

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

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

Section 8. Effective date.

This act shall take effect immediately.