

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 839 Session of 1993

INTRODUCED BY BELAN, SCANLON AND BODACK, MARCH 30, 1993

REFERRED TO JUDICIARY, MARCH 30, 1993

AN ACT

1 Amending the act of July 6, 1984 (P.L.614, No.127), entitled "An
2 act establishing the fees to be charged and received by
3 sheriffs," further providing for fees.

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

6 Section 1. Sections 3(a), 4(a), 5, 6(a), 8, 10, 11 and 14 of
7 the act of July 6, 1984 (P.L.614, No.127), known as the Sheriff
8 Fee Act, are amended to read:

9 Section 3. Civil and criminal actions.

10 (a) General rule.--Fees for the services of the sheriff
11 involved with civil actions, criminal proceedings or public
12 matters required by any court, statute or regulation including,
13 but not limited to, writs, complaints, orders, equity matters,
14 subpoenas, interrogatories and official notices, are as follows:

15 (1) Receiving, docketing and making
16 return.....[\$7.00] \$9.00

17 (2) Service, either personally by the sheriff
18 or by copy served or posted:

1	(i) First serving.....	[7.00]	<u>9.00</u>
2	(ii) Each additional defendant or person		
3	served or copy posted.....	[4.00]	<u>6.00</u>
4	(3) Making each copy served or posted.....	[3.00]	<u>5.00</u>
5	(4) Deputizing the sheriff of another county to		
6	enable the other sheriff to make service or		
7	accomplish an act.....	[5.00]	<u>9.00</u>
8	(5) Making a return of an item delivered to the		
9	sheriff too late to serve before expiration.....	[3.00]	<u>5.00</u>
10	(6) Return of non est inventus (person to be		
11	served cannot be found within the jurisdiction of		
12	sheriff).....	[3.00]	<u>5.00</u>
13	(7) Attesting each copy of a document which is		
14	to be served.....	[2.00]	<u>4.00</u>
15	(8) Service by publication in newspapers, in		
16	addition to the actual cost of publication and		
17	printing.....	[9.00]	<u>15.00</u>
18	(9) Taking an affidavit of one person.....	[1.50]	<u>2.50</u>
19	(10) Taking an affidavit of each additional		
20	person.....	[0.50]	<u>1.00</u>

21 * * *

22 Section 4. Real estate executions.

23 (a) General rule.--For executing court-issued writs or
24 orders requiring the levy, seizure or sale of lands and
25 tenements, the following fees apply and, unless otherwise stated
26 in this section, shall be paid by the plaintiff, petitioner or
27 other moving party:

28	(1) Receiving, docketing and making return	[\$7.00]	<u>\$15.00</u>
29	(2) Serving or posting a notice or copy.....	[7.00]	<u>15.00</u>
30	(3) Levying on each separate piece or parcel of		

1	land.....	[7.00]	<u>15.00</u>
2	(4) Service of a writ against real estate of		
3	defendant requiring service on third party for each		
4	party.....	[9.00]	<u>15.00</u>
5	(5) Making immediate return of service on a		
6	garnishee when writ or other item is retained for		
7	further action.....	[3.00]	<u>5.00</u>
8	(6) Advertising public sale in newspaper, for		
9	each parcel of land, in addition to cost of		
10	publication and printer's bill.....	[9.00]	<u>15.00</u>
11	(7) Advertising public sale by handbills, for		
12	each parcel of land separately described by metes		
13	and bounds or otherwise, in addition to publication		
14	and printer's bills.....	[9.00]	<u>15.00</u>
15	(8) Each sale held subsequent to the first		
16	sale.....	[7.00]	<u>20.00</u>
17	(9) Crying the sale of each separate parcel of		
18	land separately sold.....	[7.00]	<u>10.00</u>
19	(10) Distribution of proceeds.....	[9.00]	<u>25.00</u>
20	(11) Executing and acknowledging a deed to real		
21	property, payment to be made by grantee.....	[10.00]	<u>30.00</u>

22 * * *

23 Section 5. Executing writs, orders and decrees.

24 For executing a writ of inquiry, partition, condemnation,
25 appraisement or inquisition or a similar writ, order or decree
26 issued by a court, district justice, or commissioner under a
27 statute, the party procuring execution shall pay the following
28 fees:

- | | | | |
|----|--|----------|---------------|
| 29 | (1) Receiving, docketing and making return. | [\$7.00] | <u>\$9.00</u> |
| 30 | (2) Summoning parties or persons in possession | | |

1 personally or by copy served or posted:

2 (i) First service.....[7.00] 9.00

3 (ii) Each additional service.....[4.00] 6.00

4 (3) Making and certifying each copy served or

5 posted.....[4.00] 6.00

6 (4) Summoning and swearing special jurors..... 15.00

7 (5) Holding inquisition or appraisal of real

8 estate..... 15.00

9 (6) Otherwise executing.....[7.00] 9.00

10 (7) Serving by publication as required by law

11 or order of court.....[9.00] 15.00

12 (8) Delivering lands to plaintiff in

13 inquisition or similar proceedings.....[9.00] 25.00

14 Section 6. Executing writs.

15 (a) General rule.--For executing execution writs, fraudulent

16 debtors attachment, retorno habendo, replevin, or order issued

17 by a court requiring the levy, seizure or sale of personal

18 property, unless otherwise provided in this section, the party

19 procuring execution shall pay the following fees:

20 (1) Receiving, docketing and making return.[\$7.00] \$9.00

21 (2) Serving or posting a copy or notice.....[7.00] 9.00

22 (3) Each levy on personal property.....[10.00] 20.00

23 (4) Seizing personal property levied upon..[10.00] 15.00

24 (5) Making return of nulla bona (unable to find

25 goods to levy upon)..... 9.00

26 (6) Advertising personal property for public

27 sale by handbills.....[9.00] 10.00

28 (7) Each adjourned sale.....[7.00] 15.00

29 (8) Service upon a garnishee.....[7.00] 9.00

30 (9) Receiving a claim of exemption or immunity

1 and notifying parties in interest to the filing of
2 the claim.....[9.00] 12.00
3 (10) Receiving and docketing each claim to
4 property or to proceeds produced by sale thereof, to
5 be paid by claimant upon the filing of the claim.... 10.00
6 (11) Notifying an agency as required by law of
7 the proposed sale of the property or franchise of a
8 corporation or joint stock association, liquid fuels
9 producer or distributor.....[7.00] 10.00
10 (12) Appraising personal property under a
11 statute or at the request of a party or arranging an
12 appraisal by another.....[10.00] 20.00
13 (13) Making arrangements to preserve property
14 taken into legal custody including, but not limited
15 to, obtaining a watchman, together with the cost of
16 compensation for the watchman by the party benefited
17 thereby or person requiring service.....[10.00] 20.00
18 (14) Securing insurance; arranging goods for
19 sale; furnishing heat, light, power, storage, rent,
20 transportation and supplies; feeding livestock; and
21 meeting similar expenses incurred in caring for and
22 keeping the goods and chattels levied upon or
23 attached, when the same are necessary or
24 advantageous, or when requested by any party
25 interested to incur any such expense, the actual
26 costs thereof to be paid by the plaintiff,
27 petitioner or party requiring same to be incurred,
28 providing any surplus of advances for same to be
29 refunded.

30 * * *

1 Section 8. Property claims.

2 For processing of property claims filed under statute or
3 rules of civil procedure, the claimant shall pay the following
4 fees:

5 (1) Receiving and filing
6 of property claim.....[\$10.00] \$12.00

7 (2) Staying the execution and
8 providing notice..... 9.00

9 (3) Making determination as to the owner of the
10 property without hearing and filing in the
11 prothonotary's office the determination and
12 valuation..... 9.00

13 (4) Determining ownership of property with a
14 formal hearing and filing in the prothonotary's
15 office the determination and valuation.....[18.00] 25.00

16 (5) Appraising property by the sheriff and
17 giving notice.....[10.00] 15.00

18 Section 10. Writs of ejectment or possession.

19 For executing writs of ejectment or possession,
20 dower or similar writs requiring the delivery of
21 possession of real property or ejecting or
22 dispossessing a person of personal property, the
23 claimant shall pay.....[\$20.00] \$30.00

24 Section 11. Warrants and attachments.

25 For executing a process, warrant, attachment, decree,
26 sentence or order of the court, issued in court on a person or
27 taking the defendant's body into custody, the party procuring
28 the process, writ, order or decree or, if the Commonwealth is
29 interested, the county, will pay the following fees:

30 (1) Receiving, docketing and making return.[\$7.00] \$9.00

1 (2) Each arrest.....[20.00] 30.00
 2 (3) Each commitment to jail, correctional
 3 institution, asylum or place of detention pursuant
 4 to lawful order..... [10.00]
 5 20.00
 6 (4) Removing a person from any place of
 7 confinement pursuant to lawful order.....[9.00] 20.00
 8 Section 14. Licenses.
 9 For issuing and recording of a license, the licensee shall
 10 pay, in addition to a fee payable to the county or Commonwealth,
 11 the following fees:
 12 (1) Issuing a license to sell firearms directly
 13 to a consumer.....[\$10.00] \$27.00
 14 (2) Issuing or reissuing a license to carry a
 15 firearm on or about one's person..... 5.00
 16 Section 2. This act shall take effect in 30 days.