

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL  
No. 1549 Session of  
1979

INTRODUCED BY MR. WACHOB, JUNE 25, 1979

SENATOR LEWIS, LOCAL GOVERNMENT, IN SENATE, AS AMENDED,  
JUNE 17, 1980

AN ACT

1 To TEMPORARILY authorize cities, boroughs, incorporated towns, <—  
2 townships and school districts to file suggestions of  
3 nonpayment and averments of default, or to sue out writs of  
4 scire facias on certain tax or municipal claims, and to  
5 revive judgments where the lien of such claims, or the  
6 judgments thereon, have been lost, and providing for the  
7 reinstatement of the liens of such claims and judgments.

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

10 Section 1. Whenever any city, borough, incorporated town,  
11 township or school district has heretofore filed, in the office  
12 of the prothonotary of the proper county, any tax or municipal  
13 claim, and the city, borough, incorporated town or township, or  
14 school district has not, within the period of five years after  
15 the date on which any such claim was filed, sued out a writ of  
16 scire facias to reduce the same to judgment; or in the case of a  
17 tax or municipal claim has not, within said period of five years  
18 filed a suggestion of nonpayment and an averment of default, or  
19 whenever any writ of scire facias has been issued to reduce any  
20 such claim to judgment, and by reason of defense or any other

1 court proceedings, judgment has not been entered within the  
2 period of five years after the date on which such writ was  
3 issued; or whenever any such tax or municipal claim has been  
4 reduced to judgment and the city, borough, incorporated town,  
5 township or school district has not, within the period of five  
6 years after the date on which such judgment was entered; or  
7 within five years after the date on which such judgment was last  
8 revived, filed a suggestion of nonpayment and an averment of  
9 default, or sued out a writ of scire facias to revive the same,  
10 then in any such case, any such city, borough, incorporated  
11 town, township or school district may, within six months after  
12 the effective date of this act, AND NOT THEREAFTER, issue its  
13 praecipe for a writ of scire facias on any such tax or municipal  
14 claim and proceed to judgment in the manner provided by law to  
15 obtain judgments upon tax, or municipal claims; or in case a  
16 writ of scire facias has been issued, but the same has not been  
17 reduced to judgment within five years from the date of issuance,  
18 issue its praecipe for an alias writ of scire facias on any such  
19 tax or municipal claim and proceed to judgment in the manner  
20 provided by law to obtain judgments upon tax, or municipal  
21 claims; or in the case of a tax or municipal claim, where no  
22 judgment has been entered, file a suggestion of nonpayment and  
23 an averment of default; or in case judgment has been entered on  
24 a tax or municipal claim, either file a suggestion of nonpayment  
25 and an averment of default or issue its praecipe for a writ of  
26 scire facias on any such judgment and proceed to judgment in the  
27 manner provided by law to obtain judgments of revival, and such  
28 claim or judgment so entered or revived shall be a valid claim  
29 or judgment and be a lien upon the real estate upon which it was  
30 a lien at the time the claim was filed or the judgment was

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1 entered, and said claim or judgment may be revived, or further  
2 revived and collected as other claims or judgments upon tax or  
3 municipal claims are revived and collected: Provided, however,  
4 That the lien of any such claim or judgment shall not reattach  
5 against any real estate transferred to any purchaser during the  
6 time when the lien of any such tax, or municipal claim or  
7 judgment was lost, nor shall the lien of any such claim or  
8 judgment impair or affect the priority of the lien of any  
9 mortgage or other lien which gained priority because of the  
10 failure of the city, borough, incorporated town, township or  
11 school district to sue out the writ of scire facias, or file a  
12 suggestion of nonpayment and an averment of default within the  
13 five year period, or was entered of record during the time the  
14 lien of such tax or municipal claim or judgment was lost.

15 Section 2. This act shall take effect in 60 days AND SHALL  
16 EXPIRE SIX MONTHS THEREAFTER.

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