

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL
No. 937 Session of
1981

INTRODUCED BY ZEMPRELLI AND FISHER, JUNE 23, 1981

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF
REPRESENTATIVES, AS AMENDED, JANUARY 26, 1982

AN ACT

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

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

5 Section 1. Short title.

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

8 Section 2. Fee schedule.

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

12 (1) Accounts and Reports.--The filing and
13 docketing of a report or an account..... \$11.00

14 (2) Appeals.--

15 (i) The filing of an appeal to the
16 Supreme, Superior or the Commonwealth

1	Court.....	\$50.00
2	(ii) The filing of any other appeal	
3	including an appeal from administrative	
4	agencies, arbitration, Petition for Writ of	
5	Certiorari and Appeals from a Magistrate's	
6	decision.....	35.00
7	(3) Bonds.--(Surety or cash) approved by	
8	court or prothonotary.....	\$10.00
9	(4) Certifications.--	
10	(i) Any certification of certificate..	\$8.00
11	(ii) Any exemplification.....	20.00
12	(iii) If the same involves more than	
13	one page, for each additional page.....	2.00
14	(iv) Certification of Notarial	
15	Certificate.....	15.00
16	(v) Certified copies of Divorce	
17	Decrees.....	10.00
18	Additional copies.....	5.00
19	(5) Commencement of actions.--Commencement	
20	of any civil action by writ of summons,	
21	complaint, amicable action, petition or	
22	otherwise including Actions in Assumpsit,	
23	Trespass, Ejectment, Quiet Title, Replevin,	
24	Mandamus, Quo Warranto, Divorce or Annulment of	
25	Marriage, Mortgage Foreclosure, Ground Rent	
26	Foreign Attachment, Fraudulent Debtor's Attach-	
27	ment Equity, Partition of Real Property,	
28	Actions to Prevent Waste, Actions upon	
29	Mechanics' Liens, Class Actions, Actions	
30	involving Minors, Declaratory Actions, Amicable	

1	Actions, except Complaint in Confession of	
2	Judgment (see "Judgments") and Commencement of	
3	Commonwealth Tax Liens (see "Liens"). This is	
4	a composite fee which includes the filing of	
5	all plaintiff's pleadings discovery or any	
6	other paper not otherwise provided for in this	
7	act except trial and trial listings, judgment,	
8	execution, attachment, revival and post judg-	
9	ment papers.....	\$35.00
10	(6) Deeds.--Acknowledgment of sheriff's or	
11	treasurer's deeds.....	\$5.00
12	(7) Defendant's first filing.--The filing	
13	on behalf of any defendant (or additional	
14	defendant) of the first pleading, entry of	
15	appearance, answer, preliminary objections,	
16	writ to join (with entry of appearance) or	
17	complaint against additional defendant, or	
18	other paper not otherwise provided for in this	
19	act. A pleading, appearance or other paper not	
20	otherwise provided for in this act filed on	
21	behalf of more than one defendant shall require	
22	only one fee. The filing of separate initial	
23	pleadings by defendants require a separate fee.	
24	This is a composite fee which includes the	
25	filing of all defendant's pleadings, discovery	
26	or any other paper not otherwise provided for	
27	in this act except trial and trial listings,	
28	judgment execution attachment, revival and post	
29	judgment papers.....	\$15.00
30	(8) Eminent domain.--	

1	(i) Commencement of action by	
2	Declaration of Taking or Petition for	
3	Appointment of a Board of Viewers.....	\$35.00
4	(ii) Initial fee charged for each	
5	premises, parcel or plot.....	1.00
6	(9) Fictitious individual and corporate	
7	names.--	
8	(i) The filing of an application for	
9	the registration of an individual	
10	fictitious name.....	\$40.00
11	(ii) Any subsequent filing and	
12	cancellation.....	7.50
13	(iii) The filing of an application for	
14	the registration of a fictitious corporate	
15	name.....	50.00
16	(iv) Any subsequent filing including	
17	cancellation.....	7.50
18	(10) Financing statements.--	
19	(i) The filing of the U.C.C.I. or any	
20	initial filing under the Uniform Commercial	
21	Code.....	\$15.00
22	(ii) All subsequent filing including	
23	termination, continuation and assignments..	5.00
24	(11) Funds on deposit.--	
25	(i) Receiving and distributing money	
26	paid into court for each dollar under \$500.	(4%)
27	(ii) For each dollar exceeding \$500...	(1%)
28	(12) Joinder.--Defendants joinder of each	
29	additional defendant, except initial action	
30	with appearance, each.....	\$20.00

1	(13) Judgment.--	
2	(i) Entry of Judgment in any action	
3	commenced in this county.....	\$15.00
4	(ii) Entering from another	
5	jurisdiction.....	25.00
6	(iii) Entering by agreement.....	20.00
7	(iv) Judgment by confession.....	25.00
8	(v) Complaint in Confession of	
9	Judgment.....	25.00
10	(vi) Assignment of any Judgment.....	15.00
11	(14) Liens.--	
12	(i) The filing of any Federal Tax	
13	Lien, Mechanics Lien or any lien not	
14	covered under this act, Waiver and "To the	
15	Use of Lien" including Affidavit of	
16	Service, including all indexing.....	\$10.00
17	(ii) Commencement of any Commonwealth	
18	Tax Lien, including the lien, complaint to	
19	use claims, Writs of Scire Facias, all	
20	pleadings, default judgment, the filing of	
21	any paper, except Revival, including	
22	indexing.....	10.00
23	(15) Notary Public.--Registration of	
24	notary public signature.....	\$5.00
25	(16) Papers.--The filing of any	
26	interlocutory paper not included in any	
27	composite fee.....	\$3.00
28	(17) Petitions.--The filing of an	
29	interlocutory petition or motion not included	
30	in any composite fee.....	\$10.00

1	(18) Power of attorney.--The filing of a	
2	power of attorney, including all services and	
3	revocation.....	\$20.00
4	(19) Partnerships and associations.--The	
5	filing of any partnership agreement or	
6	association under their applicable acts,	
7	including all subsequent papers and	
8	termination.....	\$30.00
9	(20) Refunds.--	
10	There shall be no refund of any amount less	
11	than \$5.00 in the event of overpayment of fees.	
12	(21) Release of Lien.....	\$7.50
13	(22) Revivals.--The filing of any writ of	
14	Revival, petition, pleading and all papers.....	\$25.00
15	(23) Searches.--	
16	(i) Every certified judgment or lien	
17	search for each period of five years or	
18	less, each property.....	\$20.00
19	(ii) Every certified locality search,	
20	for each period of five years or less, each	
21	property.....	20.00
22	(iii) Every certified search of five	
23	years or less the Uniform Commercial Code	
24	index.....	20.00
25	(iv) Fictitious and Fictitious	
26	Corporate Name Searches:	
27	(A) Every certified search from	
28	the year 1953 to date or any fraction	
29	thereof from the Fictitious name or	
30	Fictitious Corporate name index.....	20.00

1	(B) Every five years theretofore	
2	or any fraction thereof.....	10.00
3	(C) Every search of any given five	
4	year period of any fraction thereof....	10.00
5	(v) Uniform Commercial Code Searches:	
6	(A) Every certified search of the	
7	Uniform Commercial Code index of five	
8	years or less.....	20.00
9	(B) Each additional statement	
10	found over one.....	1.00
11	(C) Searches beyond five years for	
12	additional five years or any fraction	
13	thereof.....	20.00
14	(24) Subpoena.--	
15	(i) Issuing a subpoena form.....	\$2.00
16	(ii) Producing a record in response to	
17	a subpoena based on four-hour service.....	20.00
18	(iii) Service beyond four hours or	
19	fraction thereof.....	15.00
20	(iv) For each mile traveled (round	
21	trip) for service out of county.....	.17
22	(25) Suggestion of nonpayment.--	
23	Suggestion and averments.....	\$20.00
24	(26) Termination papers.--The fee for the	
25	filing of any satisfaction, discontinuance or	
26	termination type paper.....	\$5.00
27	(27) Trial and trial listings.--	
28	(i) Jury fee when case is placed at	
29	issue or appeal from arbitration demanding	
30	jury trial.....	\$50.00

1	(ii) Compulsory arbitration listing...	15.00
2	(iii) Orders for continuances.....	15.00
3	(iv) Certificate of readiness.....	15.00
4	(28) Writs of execution, possession or	
5	seizure.--Issuing any writ of execution,	
6	attachment, including indexing.....	\$20.00

7 Section 3. Fees for similar services.

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

10 Section 4. Fees exclusive of taxes.

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

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

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

18 Section 6. Jury fee.

19 The jury fee when paid shall not be refunded.

20 Section 7. Repeals.

21 ~~(a) Specific acts. The following acts or parts of acts are~~ <—
22 ~~repealed insofar as they are inconsistent with this act:~~

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

25 ~~Section 24(a) of the act of July 9, 1976 (P.L.586, No.142),~~
26 ~~known as the "Judiciary Act of 1976."~~ (A) SPECIFIC REPEAL.--THE <—

27 ACT OF JULY 12, 1961 (P.L.566, NO.277), ENTITLED "AN ACT
28 ESTABLISHING AND REGULATING THE FEES TO BE RECEIVED AND CHARGED
29 BY THE PROTHONOTARY OF THE COURTS OF COMMON PLEAS OF THIS
30 COMMONWEALTH IN COUNTIES OF THE SECOND CLASS AND REPEALING

1 CERTAIN ACTS," IS REPEALED TO WHATEVER EXTENT IT REMAINED IN
2 EFFECT PURSUANT TO SECTION 24(A) OF THE ACT OF JULY 9, 1976
3 (P.L.586, NO.142).

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

6 Section 8. Effective date.

7 This act shall take effect immediately.