
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1231 Session of
1984

INTRODUCED BY CORMAN, STOUT, SHAFFER, RHOADES AND SINGEL,
JANUARY 30, 1984

SENATOR CORMAN, LOCAL GOVERNMENT, AS AMENDED, FEBRUARY 14, 1984

AN ACT

1 Establishing the fees to be charged and received by sheriffs.

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

10 Section 1. Short title.

11 This act shall be known and may be cited as the Sheriff Fee
 12 Act.

13 Section 2. Counties included.

14 In counties of the second class, second class A and third
 15 through eighth class and home rule counties EXCEPT PHILADELPHIA, ←
 16 the fees, including commissions and mileage, to be received by
 17 the sheriff from persons or counties requiring services of the
 18 sheriff shall be as set forth in this act.

19 Section 3. Civil and criminal actions.

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

- 25 (1) Receiving, docketing and making return..... \$7.00
- 26 (2) Service, either personally by the sheriff
 27 or by copy served or posted:
 - 28 (i) First serving..... 7.00
 - 29 (ii) Each additional defendant or person
 30 served or copy posted..... 4.00

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

18 (b) Additional fees.--For service of an item or copy not
19 specifically provided for in subsection (a), the sheriff shall
20 charge and receive the same fee as allowed for a writ served in
21 a similar way otherwise provided for in subsection (a), in
22 addition to a fee of the prothonotary chargeable against the
23 sheriff in relation thereto; but no charge shall be made for an
24 affidavit of service except the fee of the notary or other
25 official administering the oath of affirmation.

26 (c) Alias or pluries writ.--No charge for service shall be
27 made upon an alias or pluries writ if a charge has been made
28 upon the original with respect to a defendant already served.

29 Section 4. Real estate executions.

30 (a) General rule.--For executing court-issued writs or

1 orders requiring the levy, seizure or sale of lands and
2 tenements, the following fees apply and, unless otherwise stated
3 in this section, shall be paid by the plaintiff, petitioner or
4 other moving party:

- 5 (1) Receiving, docketing and making return..... \$7.00
- 6 (2) Serving or posting a notice or copy..... 7.00
- 7 (3) Levying on each separate piece or parcel of
8 land..... 7.00
- 9 (4) Service of a writ against real estate of
10 defendant requiring service on third party for each
11 party..... 9.00
- 12 (5) Making immediate return of service on a
13 garnishee when writ or other item is retained for
14 further action..... 3.00
- 15 (6) Advertising public sale in newspaper, for
16 each parcel of land, in addition to cost of
17 publication and printer's bill..... 9.00
- 18 (7) Advertising public sale by handbills, for
19 each parcel of land separately described by metes
20 and bounds or otherwise, in addition to publication
21 and printer's bills..... 9.00
- 22 (8) Each sale held subsequent to the first
23 sale..... 7.00
- 24 (9) Crying the sale of each separate parcel of
25 land separately sold..... 7.00
- 26 (10) Distribution of proceeds..... 9.00
- 27 (11) Executing and acknowledging a deed to real
28 property, payment to be made by grantee..... 10.00

29 (b) Additional fees--Except under subsection (a)(8), the
30 sheriff shall receive as an official fee a commission, based

1 upon the total amount bid for the property, whether paid to the
2 sheriff or credited to the purchaser, of 2% of the first
3 \$250,000 and of 0.5% of the remaining amount.

4 (c) Fees chargeable to sheriff.--The purchaser shall pay to
5 the sheriff fees of the prothonotary and fees of the recorder
6 chargeable by the prothonotary or the recorder to the sheriff
7 relating to consummation of real estate executions including,
8 but not limited to, the recording of the deed.

9 Section 5. Executing writs, orders and decrees.

10 For executing a writ of inquiry, partition, condemnation,
11 appraisal or inquisition or a similar writ, order or decree
12 issued by a court, district justice, or commissioner under a
13 statute, the party procuring execution shall pay the following
14 fees:

15	(1) Receiving, docketing, and making return....	\$7.00
16	(2) Summoning parties or persons in possession	
17	personally or by copy served or posted	
18	(i) First service.....	7.00
19	(ii) Each additional service.....	4.00
20	(3) Making and certifying each copy served or	
21	posted.....	4.00
22	(4) Summoning and swearing special jurors.....	15.00
23	(5) Holding inquisition or appraisal of real	
24	estate.....	15.00
25	(6) Otherwise executing.....	7.00
26	(7) Serving by publication as required by law	
27	or order of court.....	9.00
28	(8) Delivering lands to plaintiff in	
29	inquisition or similar proceedings.....	9.00

30 Section 6. Executing writs.

1 (a) General rule.--For executing execution writs, fraudulent
 2 debtors attachment, retorno habendo, replevin, or order issued
 3 by a court requiring the levy, seizure or sale of personal
 4 property, unless otherwise provided in this section, the party
 5 procuring execution shall pay the following fees:

- | | | |
|----|--|--------|
| 6 | (1) Receiving, docketing and making return..... | \$7.00 |
| 7 | (2) Serving or posting a copy or notice..... | 7.00 |
| 8 | (3) Each levy on personal property..... | 10.00 |
| 9 | (4) Seizing personal property levied upon..... | 10.00 |
| 10 | (5) Making return of nulla bona (unable to find | |
| 11 | goods to levy upon)..... | 9.00 |
| 12 | (6) Advertising personal property for public | |
| 13 | sale by handbills..... | 9.00 |
| 14 | (7) Each adjourned sale..... | 7.00 |
| 15 | (8) Service upon a garnishee..... | 7.00 |
| 16 | (9) Receiving a claim of exemption or immunity | |
| 17 | and notifying parties in interest to the filing of | |
| 18 | the claim..... | 9.00 |
| 19 | (10) Receiving and docketing each claim to | |
| 20 | property or to proceeds produced by sale thereof, to | |
| 21 | be paid by claimant upon the filing of the claim.... | 10.00 |
| 22 | (11) Notifying an agency as required by law of | |
| 23 | the proposed sale of the property or franchise of a | |
| 24 | corporation or joint stock association, liquid fuels | |
| 25 | producer or distributor..... | 7.00 |
| 26 | (12) Appraising personal property under a | |
| 27 | statute or at the request of a party or arranging an | |
| 28 | appraisal by another..... | 10.00 |
| 29 | (13) Making arrangements to preserve property | |
| 30 | taken into legal custody including, but not limited | |

1 to, obtaining a watchman, together with the cost of
2 compensation for the watchman by the party benefited
3 thereby or person requiring service..... 10.00

4 (14) Securing insurance; arranging goods for
5 sale; furnishing heat, light, power, storage, rent,
6 transportation and supplies; feeding livestock; and
7 meeting similar expenses incurred in caring for and
8 keeping the goods and chattels levied upon or
9 attached, when the same are necessary or
10 advantageous, or when requested by any party
11 interested to incur any such expense, the actual
12 costs thereof to be paid by the plaintiff,
13 petitioner or party requiring same to be incurred,
14 providing any surplus of advances for same to be
15 refunded.

16 (b) Additional fees.--The sheriff shall receive as an
17 official fee a commission, based upon the total amount bid for
18 the property, whether paid to the sheriff or credited to the
19 purchaser, of 2% of the first \$100,000 and of 0.5% of the
20 remaining amount.

21 Section 7. Settlement or staying of writs.

22 For the settlement or staying by the plaintiff of a writ
23 relating to property, execution not being concluded, the sheriff
24 shall receive the same fees for receiving, docketing and
25 returning, levying, advertising and performing other functions
26 enumerated in this act, including commission as would be
27 chargeable if the sale had been made upon the writ, on the
28 amount paid to settle or stay the writ, whether the sum is paid
29 to the sheriff or to the plaintiff or a compromise is made
30 between plaintiff and defendant for the future payment to

1 satisfy the writ.

2 Section 8. Property claims.

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

6 (1) Receiving and filing of property claim..... \$10.00

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

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

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

15 (5) Appraising property by the sheriff and
16 giving notice..... 10.00

17 Section 9. Venire facias.

18 For executing venire facias or venire facias juratores issued
19 by a court, the following fees shall be paid by the county:

20 (1) Receiving, docketing and making return on
21 each writ..... \$10.00

22 (2) Drawing names of jurors from the jury wheel
23 and summoning the jurors or summoning jurors drawn
24 by a jury board or commissioner, for each juror
25 drawn..... 2.00

26 Section 10. Writs of ejectment or possession.

27 For executing writs of ejectment or possession,
28 dower or similar writs requiring the delivery of
29 possession of real property or ejecting or
30 dispossessing a person of personal property, the

1 claimant shall pay..... \$20.00

2 Section 11. Warrants and attachments.

3 For executing a process, warrant, attachment, decree,
4 sentence or order of the court, issued in court on a person or
5 taking the defendant's body into custody, the party procuring
6 the process, writ, order or decree or, if the Commonwealth is
7 interested, the county, will pay the following fees:

8 (1) Receiving, docketing and making return..... \$7.00

9 (2) Each arrest..... 20.00

10 (3) Each commitment to jail, correctional
11 institution, asylum or place of detention pursuant
12 to lawful order..... 10.00

13 (4) Removing a person from any place of
14 confinement pursuant to lawful order..... 9.00

15 Section 12. Sheriff in charge of prison.

16 If the sheriff is in charge of a jail, prison or place of
17 detention, the sheriff shall receive allowances for the custody,
18 care and maintenance of prisoners and inmates as may be fixed by
19 the courts or official boards of the respective counties having
20 supervision of the institutions, or as the courts or boards may
21 approve, upon submitted bills to be paid by the county in
22 addition to compensation for services fixed by statute, by a
23 court or by official board authorized to fix the compensation.

24 Section 13. Attending court.

25 For attending court, when required to do so by law or by a
26 judge or district attorney, or bringing into or removing
27 therefrom prisoners for arraignment, trial or sentence or
28 witnesses held in custody, an hourly rate equivalent to the
29 prevailing wage scale of the performing sheriff's office shall
30 be paid by the county for each deputy or special deputy actually

1 present.

2 Section 14. Licenses.

3 For issuing and recording of a license, the licensee shall
4 pay in addition to a fee payable to the county or Commonwealth,
5 the following fees:

6 (1) Issuing a license to sell firearms directly
7 to a consumer..... \$10.00

8 (2) Issuing or reissuing a license to carry a
9 firearm on or about one's person..... 5.00

10 Section 15. Conservator of the peace.

11 (a) Sheriff.--For the services performed in the capacity as
12 a conservator of the peace or police officer in suppressing
13 riots, mobs or insurrections, and when discharging any duty
14 requiring the summoning of a posse, comitatus or special deputy
15 sheriffs, the sheriff shall receive per diem compensation at the
16 rate of \$50 in a county for eight hours service, together with
17 the mileage and necessary expenses, including subsistence for
18 the sheriff and those under him, all to be paid by the county.

19 (b) Deputies.--For each special deputy appointed by the
20 sheriff in the case of an emergency, to assist in executing
21 civil or criminal process or court order or preserving the
22 peace, the sheriff shall receive from the county, for
23 compensation of the deputy, an hourly rate equal to the
24 prevailing wage scale of the sheriff's office, together with the
25 expenses incurred for transportation and subsistence of the
26 deputy.

27 Section 16. Mileage.

28 For mileage in serving and executing writs, official notices,
29 rules, decrees, orders or processes, or copies thereof, or
30 performing the duties or services specified in this act or

1 authorized by law, the sheriff shall receive and may tax as
2 official costs the mileage fee as established by section 1 of
3 the act of July 20, 1979 (P.L.156, No.51), entitled "An act
4 establishing a uniform mileage fee for all officials, officers
5 and employees of the Commonwealth, its political subdivisions,
6 intermediate units, and authorities," for each mile necessary to
7 be traveled by the sheriff, deputies or employees. The mileage
8 fee shall be received on each separate writ, rule, order,
9 decree, process or notice served or service performed. The
10 sheriff shall not receive more than one mileage where the
11 plaintiff and the defendant and two or more contemporaneous
12 writs are the same, or when two or more persons or prisoners
13 are being conducted at one time to or from a place of detention
14 or correction. The sheriff shall receive the mileage fee for
15 transporting the prisoners and the deputies guarding them, and
16 meals and lodging during the journey and the return of the
17 deputies.

18 Section 17. Appraisals.

19 For appraisal in a proceeding, the sheriff or an interested
20 party may petition the court having jurisdiction over the matter
21 for an order fixing the sum to be paid to the sheriff for
22 services, for compensation of services of expert appraisers, or
23 for other property costs of making the appraisal, which sum
24 shall be a legal cost of proceedings. The court in its order
25 shall determine who shall pay for the costs unless otherwise
26 provided by law.

27 Section 18. Other matters.

28 For the executing of a matter directed to the sheriff or
29 required by law or rule of court, the performance of which is
30 not mentioned in this act, the sheriff shall receive the same

1 official fees, commissions and legal costs, including mileage,
2 as for similar services specifically provided for in this act.
3 Section 19. County Court of Allegheny County.

4 In cases or proceedings of which the County Court of
5 Allegheny County has jurisdiction, the sheriff shall receive the
6 same fees, commissions and costs, including mileage, for
7 official services in connection therewith, as for similar
8 services in like proceedings in other courts of the
9 Commonwealth.

10 Section 20. Costs to be additional.

11 In addition to fees provided for in this act, the sheriff
12 shall be paid costs, charges and expenses incident to the
13 performance of an act required by court, order, statute, rule or
14 regulation including, but not limited to, printing costs,
15 publication costs, services of experts, watchmen, postage and
16 mileage, which shall be costs to be paid by the plaintiff,
17 petitioner or person requiring them to be incurred.

18 Section 21. Repeals.

19 The following acts or parts of acts are repealed insofar as
20 they are inconsistent with this act:

21 42 Pa.C.S. § 1725 (relating to establishment of fees and
22 charges).

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

25 Section 22. Effective date.

26 This act shall take effect in 30 days.