

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 305 Session of
2003

INTRODUCED BY MAITLAND, PAYNE, MCGILL, BARD, BENNINGHOFF,
BISHOP, CAPPELLI, CLYMER, DeWEESE, EACHUS, GOODMAN, HARHAI,
HARPER, HORSEY, LEDERER, LEH, LEWIS, MACKERETH, McCALL,
R. MILLER, S. MILLER, ROBERTS, SOLOBAY, THOMAS, YOUNGBLOOD
AND REICHLEY, FEBRUARY 18, 2003

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 18, 2003

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 in civil and criminal
4 actions, in real estate executions, in executing writs,
5 orders and decrees, in property claims, in venire facias, in
6 writs of ejectment or possession and in warrants and
7 attachments and for costs and surcharges to be additional.

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

10 Section 1. Sections 3(a), 4(a) and (b), 5, 6 and 8 of the
11 act of July 6, 1984 (P.L.614, No.127), known as the Sheriff Fee
12 Act, amended December 27, 1994 (P.L.1349, No.156), are amended
13 to read:

14 Section 3. Civil and criminal actions.

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

1	(1) Receiving, docketing and making		
2	return.....	[\$9.00]	<u>\$14.00</u>
3	(2) Service, either personally by the		
4	sheriff or by copy served or posted:		
5	(i) First serving.....	[9.00]	<u>14.00</u>
6	(ii) Each additional defendant or		
7	person served or copy posted.....	[6.00]	<u>9.00</u>
8	(3) Making each copy served or posted.....	[5.00]	<u>8.00</u>
9	(4) Deputizing the sheriff of another		
10	county to enable the other sheriff to make		
11	service or accomplish an act.....	[9.00]	<u>14.00</u>
12	(5) Making a return of an item delivered		
13	to the sheriff too late to serve before		
14	expiration.....	[5.00]	<u>8.00</u>
15	(6) Return of non est inventus (person to		
16	be served cannot be found within the		
17	jurisdiction of sheriff).....	[5.00]	<u>8.00</u>
18	(7) Attesting each copy of a document		
19	which is to be served.....	[4.00]	<u>6.00</u>
20	(8) Service by publication in newspapers,		
21	in addition to the actual cost of publication		
22	and printing.....	[15.00]	<u>20.00</u>
23	(9) Taking an affidavit of one person.....	[2.50]	<u>3.00</u>
24	(10) Taking an affidavit of each		
25	additional person.....	[1.00]	<u>1.50</u>

26 * * *

27 Section 4. Real estate executions.

28 (a) General rule.--For executing court-issued writs or
29 orders requiring the levy, seizure or sale of lands and
30 tenements, the following fees apply and, unless otherwise stated

1 in this section, shall be paid by the plaintiff, petitioner or
2 other moving party:

3 (1) Receiving, docketing and making
4 return..... [\$15.00] \$20.00

5 (2) Serving or posting a notice or copy.. [15.00] 20.00

6 (3) Levying on each separate piece or
7 parcel of land..... [15.00] 20.00

8 (4) Service of a writ against real estate
9 of defendant requiring service on third party
10 for each party..... [15.00] 20.00

11 (5) Making immediate return of service on
12 a garnishee when writ or other item is retained
13 for further action..... [5.00] 8.00

14 (6) Advertising public sale in newspaper,
15 for each parcel of land, in addition to cost of
16 publication and printer's bill..... [15.00] 20.00

17 (7) Advertising public sale by handbills,
18 for each parcel of land separately described by
19 metes and bounds or otherwise, in addition to
20 publication and printer's bills..... [15.00] 20.00

21 (8) Each sale held subsequent to the first
22 sale..... [20.00] 25.00

23 (9) Crying the sale of each separate
24 parcel of land separately sold..... [10.00] 15.00

25 (10) Distribution of proceeds..... [25.00] 35.00

26 (11) Executing and acknowledging a deed to
27 real property, payment to be made by grantee.. [30.00] 40.00

28 (b) Additional fees.--Except under subsection (a)(8), the
29 sheriff shall receive as an official fee a fixed payment of
30 \$300.00 or a commission, based upon the total amount bid for the

1 property, whether paid to the sheriff or credited to the
2 purchaser, of [2%] 4% of the first \$250,000 and of [0.5%] 1% of
3 the remaining amount, whichever is greater.

4 * * *

5 Section 5. Executing writs, orders and decrees.

6 For executing a writ of inquiry, partition, condemnation,
7 appraisement or inquisition or a similar writ, order or decree
8 issued by a court, district justice, or commissioner under a
9 statute, the party procuring execution shall pay the following
10 fees:

- 11 (1) Receiving, docketing and making
12 return..... [\$9.00] \$14.00
- 13 (2) Summoning parties or persons in
14 possession personally or by copy served or
15 posted:
 - 16 (i) First service..... [9.00] 14.00
 - 17 (ii) Each additional service..... [6.00] 9.00
- 18 (3) Making and certifying each copy served
19 or posted..... [6.00] 9.00
- 20 (4) Summoning and swearing special jurors [15.00] 20.00
- 21 (5) Holding inquisition or appraisal of
22 real estate..... [15.00] 20.00
- 23 (6) Otherwise executing..... [9.00] 14.00
- 24 (7) Serving by publication as required by
25 law or order of court..... [15.00] 20.00
- 26 (8) Delivering lands to plaintiff in
27 inquisition or similar proceedings..... [25.00] 35.00

28 Section 6. Executing writs.

29 (a) General rule.--For executing execution writs, fraudulent
30 debtors attachment, retorno habendo, replevin, or order issued

1 by a court requiring the levy, seizure or sale of personal
2 property, unless otherwise provided in this section, the party
3 procuring execution shall pay the following fees:

- | | | | |
|----|---|----------|----------------|
| 4 | (1) Receiving, docketing and making | | |
| 5 | return..... | [\$9.00] | <u>\$14.00</u> |
| 6 | (2) Serving or posting a copy or notice... | [9.00] | <u>14.00</u> |
| 7 | (3) Each levy on personal property..... | [20.00] | <u>25.00</u> |
| 8 | (4) Seizing personal property levied upon | [15.00] | <u>20.00</u> |
| 9 | (5) Making return of nulla bona (unable to | | |
| 10 | find goods to levy upon)..... | [9.00] | <u>14.00</u> |
| 11 | (6) Advertising personal property for | | |
| 12 | public sale by handbills..... | [10.00] | <u>15.00</u> |
| 13 | (7) Each adjourned sale..... | [15.00] | <u>20.00</u> |
| 14 | (8) Service upon a garnishee..... | [9.00] | <u>14.00</u> |
| 15 | (9) Receiving a claim of exemption or | | |
| 16 | immunity and notifying parties in interest to | | |
| 17 | the filing of the claim..... | [12.00] | <u>17.00</u> |
| 18 | (10) Receiving and docketing each claim to | | |
| 19 | property or to proceeds produced by sale | | |
| 20 | thereof, to be paid by claimant upon the filing | | |
| 21 | of the claim..... | [10.00] | <u>15.00</u> |
| 22 | (11) Notifying an agency as required by | | |
| 23 | law of the proposed sale of the property or | | |
| 24 | franchise of a corporation or joint stock | | |
| 25 | association, liquid fuels producer or | | |
| 26 | distributor..... | [10.00] | <u>15.00</u> |
| 27 | (12) Appraising personal property under a | | |
| 28 | statute or at the request of a party or | | |
| 29 | arranging an appraisal by another..... | [20.00] | <u>25.00</u> |
| 30 | (13) Making arrangements to preserve | | |

1 property taken into legal custody including,
2 but not limited to, obtaining a watchman,
3 together with the cost of compensation for the
4 watchman by the party benefited thereby or
5 person requiring service..... [20.00] 25.00

6 (14) Securing insurance; arranging goods for sale;
7 furnishing heat, light, power, storage, rent, transportation
8 and supplies; feeding livestock; and meeting similar expenses
9 incurred in caring for and keeping the goods and chattels
10 levied upon or attached, when the same are necessary or
11 advantageous, or when requested by any party interested to
12 incur any such expense, the actual costs thereof to be paid
13 by the plaintiff, petitioner or party requiring same to be
14 incurred, 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 fixed payment of \$200.00 or a commission, based
18 upon the total amount bid for the property, whether paid to the
19 sheriff or credited to the purchaser, of [2%] 4% of the first
20 \$100,000 and of [0.5%] 1% of the remaining amount, whichever is
21 greater.

22 Section 8. Property claims.

23 For processing of property claims filed under statute or
24 rules of civil procedure, the claimant shall pay the following
25 fees:

26 (1) Receiving and filing of property
27 claim..... [\$12.00] \$17.00

28 (2) Staying the execution and providing
29 notice..... [9.00] 14.00

30 (3) Making determination as to the owner

1 of the property without hearing and filing in
2 the prothonotary's office the determination and
3 valuation..... [9.00] 14.00

4 (4) Determining ownership of property with
5 a formal hearing and filing in the
6 prothonotary's office the determination and
7 valuation..... [25.00] 35.00

8 (5) Appraising property by the sheriff and
9 giving notice..... [15.00] 20.00

10 Section 2. Section 9 of the act is amended to read:

11 Section 9. Venire facias.

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

14 (1) Receiving, docketing and making return
15 on each writ..... [\$10.00] \$15.00

16 (2) Drawing names of jurors from the jury
17 wheel and summoning the jurors or summoning
18 jurors drawn by a jury board or commissioner,
19 for each juror drawn..... [2.00] 3.00

20 Section 3. Sections 10 and 11 of the act, amended December
21 27, 1994 (P.L.1349, No.156), are amended to read:

22 Section 10. Writs of ejectment or possession.

23 For executing writs of ejectment or possession,
24 dower or similar writs requiring the delivery of
25 possession of real property or ejecting or
26 dispossessing a person of personal property, the
27 claimant shall pay..... [\$30.00] \$40.00

28 Section 11. Warrants and attachments.

29 For executing a process, warrant, attachment,
30 decree, sentence or order of the court, issued in

1 court on a person or taking the defendant's body
2 into custody, the party procuring the process,
3 writ, order or decree or, if the Commonwealth is
4 interested, the county, will pay the following
5 fees:

- 6 (1) Receiving, docketing and making
7 return..... [\$9.00] \$18.00
- 8 (2) Each arrest..... [30.00] 60.00
- 9 (3) Each commitment to jail, correctional
10 institution, asylum or place of detention
11 pursuant to lawful order..... [20.00] 40.00
- 12 (4) Removing a person from any place of
13 confinement pursuant to lawful order..... [20.00] 40.00

14 Section 4. Section 19 of the act is amended to read:

15 Section 19. Costs and surcharges to be additional.

16 (a) Costs.--In addition to fees provided for in this act,
17 the sheriff shall be paid costs, charges and expenses incident
18 to the performance of an act required by court, order, statute,
19 rule or regulation including, but not limited to, printing
20 costs, publication costs, services of experts, watchmen, postage
21 and mileage, which shall be costs to be paid by the plaintiff,
22 petitioner or person requiring them to be incurred.

23 (b) Surcharges.--In addition to fees and costs provided for
24 in this act, the sheriff shall also assess any surcharge or
25 other fee or cost authorized by the act of February 9, 1984
26 (P.L.3, No.2), known as the Deputy Sheriffs' Education and
27 Training Act.

28 Section 5. This act shall take effect in 60 days.