

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 777 Session of 2007

INTRODUCED BY BROWNE, BOSCOLA, ERICKSON, COSTA, FERLO, LOGAN, O'PAKE AND ORIE, APRIL 23, 2007

SENATOR BROWNE, FINANCE, RE-REPORTED AS AMENDED, OCTOBER 15, 2007

AN ACT

1 Amending the act of May 16, 1923 (P.L.207, No.153), entitled "An
2 act providing when, how, upon what property, and to what
3 extent, liens shall be allowed for taxes and for municipal
4 improvements, for the removal of nuisances, and for water
5 rents or rates, sewer rates, and lighting rates; for the
6 procedure upon claims filed therefor; the methods for
7 preserving such liens and enforcing payment of such claims;
8 the effect of judicial sales of the properties liened; the
9 distribution of the proceeds of such sales, and the
10 redemption of the property therefrom; for the lien and
11 collection of certain taxes heretofore assessed, and of
12 claims for municipal improvements made and nuisances removed,
13 within six months before the passage of this act; and for the
14 procedure on tax and municipal claims filed under other and
15 prior acts of Assembly," changing the date from which, and
16 the rate of which, interest is charged on certain delinquent
17 taxes and other municipal claims; providing for the duties of
18 third-party collectors and for adoption of ordinance for the
19 exclusive collection of taxes; further providing for locality
20 index; and modernizing the law relating to collection of such
21 taxes and claims; AND PROVIDING FOR SEVERABILITY. <—

22 The General Assembly of the Commonwealth of Pennsylvania
23 hereby enacts as follows:

24 ~~Section 1. Section 1 of the act of May 16, 1923 (P.L.207,~~ <—
25 ~~No.153), referred to as the Municipal Claim and Tax Lien Law,~~
26 ~~amended August 14, 2003 (P.L.83, No.20) and July 15, 2004~~

1 ~~(P.L.726, No.83), is amended to read:~~

2 Section 1. ~~Be it enacted, &c., That the word "taxes," as~~
3 ~~used in this act, means any county, city, borough, incorporated~~
4 ~~town, township, school, bridge, road, or poor taxes, together~~
5 ~~with and including all penalties, interest, costs, charges,~~
6 ~~expenses and fees, including reasonable attorney fees, as~~
7 ~~allowed by this act and all other applicable laws.~~

8 ~~Except with respect to counties of the second class, the word~~
9 ~~"delinquent," as used in this act, refers to taxes that remain~~
10 ~~unpaid on December 31 of the calendar year in which they were~~
11 ~~assessed; and municipal claims, other than tax claims, that~~
12 ~~remain unpaid ninety days after the date of billing for such~~
13 ~~claims.~~

14 ~~The word "highway," as used in this act, means the whole or~~
15 ~~any part of any public street, public road, public lane, public~~
16 ~~alley, or other public highway.~~

17 ~~The words "tax claim," as used in this act, mean the claim~~
18 ~~filed to recover taxes.~~

19 ~~The words "municipal claim," as used in this act, unless~~
20 ~~specifically indicated otherwise, mean and include (1) the claim~~
21 ~~arising out of, or resulting from, a tax assessed, service~~
22 ~~supplied, work done, or improvement authorized and undertaken,~~
23 ~~by a municipality, although the amount thereof be not at the~~
24 ~~time definitely ascertained by the authority authorized to~~
25 ~~determine the same, and a lien therefor be not filed, but~~
26 ~~becomes filable within the period and in the manner herein~~
27 ~~provided, (2) the claim filed to recover for the grading,~~
28 ~~guttering, macadamizing, or otherwise improving, the cartways of~~
29 ~~any public highway; for grading, curbing, recurbing, paving,~~
30 ~~repaving, constructing, or repairing the footways thereof; for~~

1 ~~laying water pipes, gas pipes, culverts, sewers, branch sewers,~~
2 ~~or sewer connections therein; for assessments for benefits in~~
3 ~~the opening, widening or vacation thereof; or in the changing of~~
4 ~~water courses or the construction of sewers through private~~
5 ~~lands; or in highways of townships of the first class; or in the~~
6 ~~acquisition of sewers and drains constructed and owned by~~
7 ~~individuals or corporations, and of rights in and to use the~~
8 ~~same; for the removal of nuisances; or for garbage fees,~~
9 ~~recycling fees, landlord licensing and inspection fees, water~~
10 ~~rates, lighting rates, or sewer rates, and (3) the claim filed~~
11 ~~to recover for work, material, and services rendered or~~
12 ~~furnished in the construction, improvement, maintenance, and~~
13 ~~operation of a project or projects of a body politic or~~
14 ~~corporate created as a Municipal Authority pursuant to law. A~~
15 ~~municipal claim shall be together with and shall include all~~
16 ~~penalties, interest, costs, fines, charges, expenses and fees,~~
17 ~~including reasonable attorney fees, as allowed by this act and~~
18 ~~all other applicable laws.~~

19 ~~The word "claimant," as used in this act, means the plaintiff~~
20 ~~or use plaintiff in whose favor the claim is filed as a lien.~~

21 ~~The word "contractor," as used in this act, means the person~~
22 ~~or persons who, under contract with the legal plaintiff,~~
23 ~~performed the work for which the lien is given.~~

24 ~~The word "property," as used in this act, means the real~~
25 ~~estate subject to the lien and against which the claim is filed~~
26 ~~as a lien.~~

27 ~~The word "owner," as used in this act, means the person or~~
28 ~~persons in whose name the property is registered, if registered~~
29 ~~according to law, and, in all other cases, means any person or~~
30 ~~persons in open, peaceable and notorious possession of the~~

1 ~~property, as apparent owner or owners thereof, if any, or the~~
2 ~~reputed owner or owners thereof in the neighborhood of such~~
3 ~~property.~~

4 ~~The word "municipality," as used in this act, means any~~
5 ~~county, city, borough, incorporated town, township, school~~
6 ~~district, or a body politic and corporate created as a Municipal~~
7 ~~Authority pursuant to law and any assignees thereof.~~

8 ~~The words "charges, expenses, and fees," as used in this act,~~
9 ~~include all sums paid or incurred by a municipality to file,~~
10 ~~preserve and collect unpaid taxes, tax claims, tax liens,~~
11 ~~municipal claims and municipal liens, including, but not limited~~
12 ~~to, prothonotary and sheriff fees, postage expenses, [and] title~~
13 ~~search expenses and title insurance fees. A county, city,~~
14 ~~borough, incorporated town, township, school district or~~
15 ~~municipal authority may also recover as "charges, expenses, and~~
16 ~~fees" the charges, expenses, commissions and fees of third party~~
17 ~~collectors retained by the county, city, borough, incorporated~~
18 ~~town, township, school district or municipal authority, provided~~
19 ~~that the charges, expenses, commissions and fees of such third-~~
20 ~~party collectors are approved by legislative action of the~~
21 ~~county, city, borough, incorporated town, township, school~~
22 ~~district or municipal authority which levies the unpaid taxes,~~
23 ~~tax claims, tax liens, municipal claims and municipal liens.~~

24 ~~Section 2. Section 3 of the act, amended August 14, 2003~~
25 ~~(P.L.83, No.20), is amended to read:~~

26 ~~Section 3. (a) All municipal claims, municipal liens,~~
27 ~~taxes, tax claims and tax liens which may hereafter be lawfully~~
28 ~~imposed or assessed on any property in this Commonwealth, and~~
29 ~~all such claims heretofore lawfully imposed or assessed within~~
30 ~~six months before the passage of this act and not yet liened, in~~

1 ~~the manner and to the extent hereinafter set forth, shall be and~~
2 ~~they are hereby declared to be a lien on said property, together~~
3 ~~with all charges, expenses, and fees incurred in the collection~~
4 ~~of any delinquent account, including reasonable attorney fees~~
5 ~~under subsection (a.1), added thereto for failure to pay~~
6 ~~promptly; and municipal claims and municipal liens shall arise~~
7 ~~when lawfully imposed and assessed and shall have priority to~~
8 ~~and be fully paid and satisfied out of the proceeds of any~~
9 ~~judicial sale of said property, before any other obligation,~~
10 ~~judgment, claim, lien, or estate with which the said property~~
11 ~~may become charged, or for which it may become liable, save and~~
12 ~~except only the costs of the sale and of the writ upon which it~~
13 ~~is made, and the taxes, tax claims and tax liens imposed or~~
14 ~~assessed upon said property.~~

15 ~~(a.1) [It is not the intent of this subsection to require~~
16 ~~owners to pay, or municipalities to sanction, inappropriate or~~
17 ~~unreasonable attorney fees, charges or expenses for routine~~
18 ~~functions.] Attorney fees incurred in the collection of any~~
19 ~~delinquent account, including municipal claims, municipal liens,~~
20 ~~taxes, tax claims and tax liens, shall be in an amount~~
21 ~~sufficient to compensate attorneys undertaking collection and~~
22 ~~representation of a municipality or its assignee in any actions~~
23 ~~in law or equity involving claims arising under this act. A~~
24 ~~municipality by ordinance, or by resolution if the municipality~~
25 ~~is of a class which does not have the power to enact an~~
26 ~~ordinance, shall adopt the schedule of attorney fees. Where~~
27 ~~attorney fees are sought to be collected in connection with the~~
28 ~~collection of a delinquent account, including municipal claims,~~
29 ~~municipal liens, taxes, tax claims and tax liens, the owner may~~
30 ~~petition the court of common pleas in the county where the~~

1 ~~property subject to the municipal claim and lien, tax claim and~~
2 ~~lien or taxes is located to adjudicate the reasonableness of the~~
3 ~~attorney fees imposed. In the event that there is a challenge to~~
4 ~~the reasonableness of the attorney fees imposed in accordance~~
5 ~~with this section, the court shall consider, but not be limited~~
6 ~~to, the following:~~

7 ~~(1) The time and labor required, the novelty and difficulty~~
8 ~~of the questions involved and the skill requisite to properly~~
9 ~~undertake collection and representation of a municipality in~~
10 ~~actions arising under subsection (a).~~

11 ~~(2) The customary charges of the members of the bar for~~
12 ~~similar services.~~

13 ~~(3) The [amount of the delinquent account collected and the]~~
14 ~~benefit to the municipality from the services.~~

15 ~~(4) The contingency or the certainty of the compensation.~~

16 ~~(a.2) Any time attorney fees are awarded pursuant to any~~
17 ~~provision of law, the municipality shall not be entitled to~~
18 ~~duplicate recovery of attorney fees under this section.~~

19 ~~(a.3) (1) At least thirty days prior to assessing or~~
20 ~~imposing attorney fees in connection with the collection of a~~
21 ~~delinquent account, including municipal claims, municipal liens,~~
22 ~~taxes, tax claims and tax liens, a municipality shall, by United~~
23 ~~States certified mail, return receipt requested, postage~~
24 ~~prepaid, mail to the owner the notice required by this~~
25 ~~subsection.~~

26 ~~(2) If within thirty days of mailing the notice in~~
27 ~~accordance with clause (1) the certified mail is refused or~~
28 ~~unclaimed or the return receipt is not received, then at least~~
29 ~~ten days prior to assessing or imposing attorney fees in~~
30 ~~connection with the collection of a delinquent account, a~~

1 ~~municipality shall, by United States first class mail, mail to~~
2 ~~the owner the notice required by this subsection.~~

3 ~~(3) The notice required by this subsection shall be mailed~~
4 ~~to the owner's last known post office address by virtue of the~~
5 ~~knowledge and information possessed by the municipality and by~~
6 ~~the county office responsible for assessments and revisions of~~
7 ~~taxes. It shall be the duty of the municipality to determine the~~
8 ~~owner's last post office address known to said collector and~~
9 ~~county assessment office.~~

10 ~~(4) The notice to the owner shall include the following:~~

11 ~~(i) A statement of the municipality's intent to impose or~~
12 ~~assess attorney fees within thirty days of mailing the notice~~
13 ~~pursuant to clause (1) or within ten days of the mailing of the~~
14 ~~notice pursuant to clause (2).~~

15 ~~(ii) The manner in which the imposition or assessment of~~
16 ~~attorney fees may be avoided by payment of the delinquent~~
17 ~~account.~~

18 ~~(b) With the exception of those claims which have been~~
19 ~~assigned, any municipal claim, municipal lien, tax, tax claim or~~
20 ~~tax lien, including interest, penalty and costs, imposed by a~~
21 ~~city of the first class, shall be a judgment only against the~~
22 ~~said property when the lien has been docketed by the~~
23 ~~prothonotary. The docketing of the lien shall be given the~~
24 ~~effect of a judgment against the said property only with respect~~
25 ~~to which the claim is filed as a lien. The prothonotary shall~~
26 ~~maintain an in rem index, the form and location of which shall~~
27 ~~be within the prothonotary's discretion. All tax claims, water~~
28 ~~rents or rates, lighting rates, power rates and sewer rates~~
29 ~~heretofore filed are hereby ratified, confirmed and made valid~~
30 ~~subsisting liens as of the date of their original filing.~~

1 ~~(c) A writ of execution may issue directly without~~
2 ~~prosecution to judgment of a writ of scire facias. Any property~~
3 ~~sold in execution shall be sold in compliance with the~~
4 ~~provisions of section 31.2.~~

5 ~~(d) Attorney fees may be imposed and collected in accordance~~
6 ~~with this section upon all taxes, tax claims, tax liens,~~
7 ~~municipal claims, municipal liens, writs of scire facias,~~
8 ~~judgments or executions filed on or after December 19, 1990.~~

9 ~~Section 3. Section 9 of the act, amended February 21, 2006~~
10 ~~(P.L.46, No.18), is amended to read:~~

11 ~~Section 9. Claims for taxes, water rents or rates, lighting~~
12 ~~rates, power rates and sewer rates must be filed in the court of~~
13 ~~common pleas of the county in which the property is situated~~
14 ~~unless the property is situate in the City of Philadelphia and~~
15 ~~the taxes or rates do not exceed the maximum amount over which~~
16 ~~the Municipal Court of Philadelphia has original jurisdiction,~~
17 ~~in which event the claim must be filed in the Municipal Court of~~
18 ~~Philadelphia. All such claims shall be filed on or before the~~
19 ~~last day of the third calendar year after that in which the~~
20 ~~taxes or rates are first payable, except that in cities and~~
21 ~~school districts of the first class claims for taxes and other~~
22 ~~municipal claims, which have heretofore become liens pursuant to~~
23 ~~the provisions of this act or which have been entered of record~~
24 ~~as liens or which have been liened and revived, shall continue~~
25 ~~and remain as liens for the period of twenty years from such~~
26 ~~revival, entry or lien by operation of law, whichever shall have~~
27 ~~last occurred; and other municipal claims must be filed in said~~
28 ~~court of common pleas or the Municipal Court of Philadelphia~~
29 ~~within six months from the time the work was done in front of~~
30 ~~the particular property, where the charge against the property~~

~~1 is assessed or made at the time the work is authorized; within
2 six months after the completion of the improvement, where the
3 assessment is made by the municipality upon all the properties
4 after the completion of the improvement; and within six months
5 after confirmation by the court, where confirmation is required;
6 the certificate of the surveyor, engineer, or other officer
7 supervising the improvement, filed in the proper office, being
8 conclusive of the time of completion thereof, but he being
9 personally liable to anyone injured by any false statement
10 therein. Where a borough lies in more than one county, any such
11 claim filed by such borough may be filed in each of such
12 counties. In case the real estate benefited by the improvement
13 is sold before the municipal claim is filed, the date of
14 completion in said certificate shall determine the liability for
15 the payment of the claim as between buyer and seller, unless
16 otherwise agreed upon or as above set forth. A number of years'
17 taxes or rates of different kinds if payable to the same
18 plaintiff may be included in one claim. Interest as determined
19 by the municipality at a rate not to exceed ten per cent per
20 annum shall be collectible on all taxes, tax claims and
21 municipal claims from the date [of the completion of the work
22 after it is filed as a lien, and on claims for taxes, water
23 rents or rates, lighting rates, or sewer rates from the date of
24 the filing of the lien therefor] on which the claims become
25 delinquent or as otherwise provided by law for counties of the
26 second class: Provided, however, That after the effective date
27 of this amendatory act where municipal claims are filed arising
28 out of a municipal project which required the municipality to
29 issue bonds to finance the project interest shall be collectible
30 on such claims at the rate of interest of the bond issue or at~~

~~1 the rate of twelve per cent per annum, whichever is less. Where
2 the provisions of any other act relating to claims for taxes,
3 water rents or rates, lighting rates, power rates, sewer rents
4 or rates or for any other type of municipal claim or lien
5 utilizes the procedures provided in this act and where the
6 provisions of such other act establishes a different rate of
7 interest for such claims or liens, the maximum rate of interest
8 of ten per cent per annum as provided for in this section shall
9 be applicable to the claims and liens provided for under such
10 other acts: Provided, however, That after the effective date of
11 this amendatory act where municipal claims are filed arising out
12 of a municipal project which required the municipality to issue
13 bonds to finance the project interest shall be collectible on
14 such claims at the rate of interest of the bond issue or at the
15 rate of twelve per cent per annum, whichever is less.~~

~~16 Claims for taxes, water rents, or rates, lighting rates,
17 power rates and sewer rates may be in the form of written or
18 typewritten lists showing the names of the taxables, including
19 the name and last known address, with its zip code, of the owner
20 of each property against which a claim is being filed, and
21 descriptions of the properties against which the claims are
22 filed, together with the amount of the taxes due such
23 municipality. Such lists may be filed on behalf of a single
24 municipality, or they may cover the unpaid taxes due any two or
25 more municipalities whose taxes are collected by the same tax
26 collector, provided the amounts due each municipality are
27 separately shown. All tax claims, water rents, or rates,
28 lighting rates, power rates and sewer rates, heretofore filed in
29 such form, are hereby ratified, confirmed and made valid
30 subsisting liens as of the date of their original filing.~~

1 ~~A number of years' taxes or rates of different kinds, if~~
2 ~~payable to the same plaintiff, may be included in one claim.~~
3 ~~Municipal claims shall likewise be filed within said period,~~
4 ~~where any appeal is taken from the assessment for the recovery~~
5 ~~of which such municipal claim is filed. In such case the lien~~
6 ~~filed shall be in the form hereinafter provided, except that it~~
7 ~~shall set forth the amount of the claim as an undetermined~~
8 ~~amount, the amount thereof to be determined by the appeal taken~~
9 ~~from the assessment upon which such municipal claim is based,~~
10 ~~pending in a certain court (referring to the court and the~~
11 ~~proceeding where such appeal is pending). Upon the filing of~~
12 ~~such municipal claim, the claim shall be indexed by the~~
13 ~~prothonotary upon the judgment index and upon the locality index~~
14 ~~of the court, and the amount of the claim set forth therein as~~
15 ~~an undetermined amount.~~

16 ~~If final judgment is not obtained upon such appeal within~~
17 ~~twenty years from the filing of such municipal claim, the~~
18 ~~claimant in the lien shall, within such period of twenty years,~~
19 ~~file a suggestion of nonpayment, in the form hereinafter set~~
20 ~~forth, which shall have the effect of continuing the lien~~
21 ~~thereof for a further period of twenty years from the date of~~
22 ~~filing such suggestion, except that with respect to claims for~~
23 ~~taxes and other municipal claims, in cities and school districts~~
24 ~~of the first class, if final judgment is not obtained upon such~~
25 ~~appeal within twenty years from the filing of such municipal~~
26 ~~claims, the claimant in the lien shall, within such period of~~
27 ~~twenty years, file a suggestion of nonpayment in the prescribed~~
28 ~~form which shall have the effect of continuing the lien thereof~~
29 ~~for a further period of twenty years from the date of filing~~
30 ~~such suggestion. Such municipal claim shall be revived in a~~

1 ~~similar manner during each recurring period of twenty years~~
2 ~~thereafter, until final judgment is entered upon said appeal and~~
3 ~~the undetermined amount of such municipal claim is fixed in the~~
4 ~~manner hereinafter provided, except that with respect to claims~~
5 ~~for taxes and other municipal claims, in cities and school~~
6 ~~districts of the first class, such municipal claims shall be~~
7 ~~revived in a similar manner during each recurring period of~~
8 ~~twenty years thereafter until final judgment is entered upon~~
9 ~~said appeal and the undetermined amount of such municipal claim~~
10 ~~is fixed in the manner hereinafter provided.~~

11 ~~When the final judgment is obtained upon such appeal, the~~
12 ~~court in which said municipal claim is pending shall, upon the~~
13 ~~petition of any interested party, make an order fixing the~~
14 ~~undetermined amount claimed in such claim at the amount~~
15 ~~determined by the final judgment upon said appeal, which shall~~
16 ~~bear interest from the date of the verdict upon which final~~
17 ~~judgment was entered, and thereafter the amount of said claim~~
18 ~~shall be the sum thus fixed. Proceedings upon said municipal~~
19 ~~claim thereafter shall be as in other cases.~~

20 ~~Where, on final judgment upon said appeal, it appears that no~~
21 ~~amount is due upon the assessment for the recovery of which such~~
22 ~~claim is filed, the court in which such municipal claim is~~
23 ~~pending shall, upon the petition of any interested party, make~~
24 ~~an order striking such municipal claim from the record, and~~
25 ~~charge the costs upon such claim to the plaintiff in the claim~~
26 ~~filed.~~

27 ~~Where such appeal is discontinued, the court in which such~~
28 ~~municipal claim is pending shall, upon the petition of any~~
29 ~~interested party, make an order fixing the undetermined amount~~
30 ~~claimed at the amount of the original assessment, which shall~~

1 ~~bear interest from the date that such assessment was originally~~
2 ~~payable, and thereafter the amount of such claim shall be the~~
3 ~~sum thus fixed.~~

4 ~~In counties of the second class and municipalities therein,~~
5 ~~interest at the applicable per annum rate shall accrue monthly~~
6 ~~on all taxes, tax claims and municipal claims on the first day~~
7 ~~of the month for the entire month, or part thereof, in which the~~
8 ~~taxes, tax claims or municipal claims are paid. Interest shall~~
9 ~~not be paid on a per diem basis. In counties of the second~~
10 ~~class, all county taxes after the same become delinquent, as~~
11 ~~provided by law, shall include a penalty of five per centum for~~
12 ~~such delinquency.~~

13 ~~In counties of the second class, taxes and tax claims, when~~
14 ~~collected, shall be paid into the county treasury for the use of~~
15 ~~the county unless the taxes and tax claims are assigned, in~~
16 ~~which event there is no requirement that the taxes and tax~~
17 ~~claims collected by the assignee be paid into the county~~
18 ~~treasury.~~

19 ~~In counties of the second class, the county shall not be~~
20 ~~required to advance or pay any fee to the prothonotary for the~~
21 ~~filing of paper or electronic filing or performing any services~~
22 ~~for the second class county relating to the filing,~~
23 ~~satisfaction, assignment, transfer, revival, amendment,~~
24 ~~enforcement and collection of taxes, tax claims and tax liens.~~
25 ~~The prothonotary shall accept filings by or on behalf of the~~
26 ~~second class county relating to the taxes, tax claims and tax~~
27 ~~liens and note the cost for such service performed on the~~
28 ~~docket, and the second class county, its employees,~~
29 ~~representatives, agents and assigns shall thereafter collect~~
30 ~~such fee as a cost as part of the taxes, tax claims and tax~~

1 liens.

2 Section 4. ~~Sections 14 and 18 of the act are amended to~~
3 read:

4 Section 14. ~~Any defendant named in the claim, or any person~~
5 ~~allowed to intervene and defend thereagainst, may, at any stage~~
6 ~~of the proceedings, present his petition, under oath or~~
7 ~~affirmation, setting forth that he has a defense in whole or in~~
8 ~~part thereto, and of what it consists; and praying that a rule~~
9 ~~be granted upon the claimant to file an affidavit of the amount~~
10 ~~claimed by him, and to show cause why the petitioner should not~~
11 ~~have leave to pay money into court; and, in the case of a~~
12 ~~municipal claim, to enter security in lieu of the claim;~~
13 ~~whereupon a rule shall be granted as prayed for. Upon the~~
14 ~~pleadings filed, or from the claim and the affidavit of defense,~~
15 ~~and without a petition where an affidavit of defense has been~~
16 ~~filed, the court shall determine how much of the claim is~~
17 ~~admitted or not sufficiently denied; and shall enter a decree~~
18 ~~that upon payment by such petitioner to the claimant of the~~
19 ~~amount thus found to be due, with interest and costs if anything~~
20 ~~be found to be due, or upon payment into court, if the claimant~~
21 ~~refuses to accept the same, and upon payment into court of a sum~~
22 ~~sufficient to cover the balance claimed, with interest and~~
23 ~~costs, or upon the entry of approved security in the case of a~~
24 ~~municipal claim, that such claim shall be wholly discharged as a~~
25 ~~lien against the property described therein, and shall be~~
26 ~~stricken from the judgment index. Thereafter the material,~~
27 ~~disputed facts, if any, [shall] may be tried by a jury or the~~
28 ~~court, without further pleadings, with the same effect as if a~~
29 ~~writ of scire facias had duly issued upon said claim, to recover~~
30 ~~the balance thereof; but the jury or the court shall be sworn to~~

1 ~~try the issues between the claimant and the parties who paid the~~
2 ~~fund into court or entered security, and verdict, judgment and~~
3 ~~payment, or execution, shall follow as in other cases. The same~~
4 ~~course may be pursued, at the instance of any owner, where the~~
5 ~~claim has not in fact been filed, and if, in that event, the~~
6 ~~petitioner complies with the decree made, the money paid into~~
7 ~~court or security entered shall stand in lieu of the claim and~~
8 ~~the latter shall not be filed, and if filed shall be stricken~~
9 ~~off upon motion.~~

10 ~~Section 18. The sheriff to whom the scire facias is given~~
11 ~~for service shall add to the writ, as parties defendant, all~~
12 ~~persons, other than those named therein, who may be found in~~
13 ~~possession of the property described, or any part thereof, and~~
14 ~~in case no one is found in possession by the sheriff he shall~~
15 ~~post a true copy of the writ on the most public part of said~~
16 ~~property; and he shall add to the said writ the names of any~~
17 ~~persons, not already named therein, whom he may ascertain to~~
18 ~~have an interest in the property described, or any part thereof,~~
19 ~~which writ shall then be further served as follows:~~

20 ~~(a) By serving, as in the case of a summons, such of those~~
21 ~~named in the writ, or added thereto, as may be found in the~~
22 ~~county in which the writ issued; and,~~

23 ~~(b) Where the sheriff has information that those named in~~
24 ~~the writ, or added thereto, or any of them, may be found in any~~
25 ~~other county of this Commonwealth, the said person shall be~~
26 ~~served, as in the case of a summons, by the sheriff of the~~
27 ~~county in which the said defendants or any of them may reside,~~
28 ~~he being deputized for that purpose by the sheriff of the county~~
29 ~~in which the writ issues; and,~~

30 ~~(c) (1) (i) In case any of those named in the writ, or~~

1 added thereto, cannot be found by the sheriff, or their
2 residences within this Commonwealth are unknown to him, or in
3 case they reside without the Commonwealth or are deceased, the
4 said writ may be served [by advertising a copy thereof, or a
5 brief notice of the contents of the same, once a week for three
6 successive weeks, in one newspaper of general circulation in the
7 county, and in the legal periodical, if any, designated by the
8 court for that purpose: Provided, however, That any defendant
9 may accept service of said writ, in person or by counsel, with
10 the same effect as if duly served therewith by the sheriff.] as
11 follows:

12 (A) advertising a copy thereof, or a brief notice of the
13 contents of the same, once a week for three successive weeks, in
14 one newspaper of general circulation in the county, and in the
15 legal periodical, if any, designated by the court for that
16 purpose. If service is authorized by advertising upon the heirs
17 and assigns of a deceased defendant, service may be made by
18 advertising against the heirs or assigns generally if their
19 identity is unknown; or

20 (B) in the alternative, service may be made in accordance
21 with Pa.R.C.P. No.410 (relating to real property actions) for
22 service in real property actions.

23 (ii) Notwithstanding subparagraph (i), any defendant may
24 accept service of said writ, in person or by counsel, with the
25 same effect as if duly served therewith by the sheriff.

26 (2) Where the said writ, or the brief notice of the contents
27 thereof, have been advertised as aforesaid, the same shall have
28 the same effect as if the writ had been personally served; and
29 all those named therein, or added thereto, as to whom
30 publication has been made, shall file their affidavit of

1 ~~defense, as required by the said writ, within fifteen days after~~
2 ~~the date of the last weekly advertisement of the said writ; and~~
3 ~~all those named therein or added thereto, who have been served~~
4 ~~as in case of a summons, shall file their affidavit of defense,~~
5 ~~as required by said writ, within fifteen days after such~~
6 ~~service. Service of any such writ may be made at any time within~~
7 ~~three months from the date on which it was issued, but it shall~~
8 ~~be served and returned at the earliest date possible, and the~~
9 ~~plaintiff may require its return at any time, whether or not it~~
10 ~~be actually served.~~

11 ~~Section 5. Section 26 of the act, amended February 21, 2006~~
12 ~~(P.L.46, No.18), is amended to read:~~

13 ~~Section 26. (a) It shall be the duty of the prothonotaries~~
14 ~~of the courts of common pleas to keep a locality index, in which~~
15 ~~shall be entered all tax or municipal claims hereafter filed,~~
16 ~~and, upon any written order therefor, they shall give a~~
17 ~~certificate of search, showing all the claims filed against any~~
18 ~~property. For so doing they shall receive the sum of twenty five~~
19 ~~cents, and five cents additional for each claim certified, and~~
20 ~~no more.~~

21 ~~(b) (1) In addition to the requirements of subsection (a),~~
22 ~~{the department or public official responsible for collection of~~
23 ~~delinquent taxes in a city of the first class or other~~
24 ~~municipality that utilizes this act for the collection of~~
25 ~~delinquent taxes, and the county treasurer in a county of the~~
26 ~~second class,] any municipality that utilizes the act for the~~
27 ~~collection of delinquent taxes shall maintain [as] a public~~
28 ~~record [a list of] with respect to all properties against which~~
29 ~~taxes [were] are levied, the whole or any part of which were due~~
30 ~~and payable in a prior year and which remain unpaid. [This list~~

1 ~~shall describe the property and identify its location, provide~~
2 ~~the name and last known address, including the zip code, of the~~
3 ~~owner of the property and the amount of unpaid taxes, penalties~~
4 ~~and interest due, for all years other than the current tax year.~~
5 ~~If taxes on the list are paid or another settlement had been~~
6 ~~agreed to or if a tax sale of the property is held, this fact~~
7 ~~shall be noted on the list.] In a city of the first class, the~~
8 ~~public record shall be maintained by the department or public~~
9 ~~official responsible for collection of delinquent taxes. In a~~
10 ~~county of the second class, the public record shall be~~
11 ~~maintained by the county treasurer. The record shall be~~
12 ~~considered to be a public record under the act of June 21, 1957~~
13 ~~(P.L.390, No.212), referred to as the Right to Know Law, and~~
14 ~~shall contain all of the following for each property:~~

15 ~~(i) Its location.~~

16 ~~(ii) The property owner's name.~~

17 ~~(iii) The last known address, including the zip code of the~~
18 ~~owner, if available.~~

19 ~~(iv) The amount of unpaid taxes, penalties and interest due~~
20 ~~for all years other than the current tax year.~~

21 ~~(2) In addition to the requirements of subsection (a), the~~
22 ~~department or public official responsible for collection of~~
23 ~~delinquent taxes may report any nonpayment of taxes, including~~
24 ~~liens, to one or more consumer reporting agencies, as defined by~~
25 ~~the Fair Credit Reporting Act (Public Law 91 508, 15 U.S.C. §~~
26 ~~1681 et seq.).~~

27 ~~(3) Unless otherwise provided for by the municipality, a~~
28 ~~third party collector responsible for a given year's taxes shall~~
29 ~~comply with all requirements of clause (1). A municipality and~~
30 ~~third party collector may agree to delegate the municipality's~~

1 ~~requirements under clause (1) to the third party collector.~~
2 ~~Absent such delegation, the municipality shall be the custodian~~
3 ~~of the list in clause (1). This requirement may be met by~~
4 ~~publishing the information electronically or by paper lists.~~

5 ~~(4) Certifications of taxes due and taxes paid, in a form~~
6 ~~acceptable to the county, city, borough, incorporated town,~~
7 ~~township or school district, may be issued by the municipality~~
8 ~~and third party collector at the request of any person or~~
9 ~~entity. A reasonable fee for preparing and issuing~~
10 ~~certifications of taxes due and taxes paid shall be chargeable~~
11 ~~by the municipality and third party collector to the person or~~
12 ~~entity requesting the certification if the fee is approved by~~
13 ~~legislative action of the county, city, borough, incorporated~~
14 ~~town, township or school district. A certification issued by a~~
15 ~~third party collector under this act shall be deemed as if it~~
16 ~~were issued by the county, city, borough, incorporated town,~~
17 ~~township or school district. Any person or entity that relies~~
18 ~~upon a certification issued by a municipality or a third party~~
19 ~~collector in accordance with this act shall not be liable for~~
20 ~~any claim or action for damages or monetary loss caused by the~~
21 ~~inaccuracy of the certification.~~

22 ~~(5) The term "third party collector," as used in this~~
23 ~~subsection, means any entity appointed by the municipality and~~
24 ~~delegated the responsibility of collecting delinquent taxes on~~
25 ~~behalf of the municipality under this act.~~

26 ~~Section 6. Section 31 of the act, amended November 29, 2004~~
27 ~~(P.L.1299, No.163), is amended to read:~~

28 ~~Section 31. The lien of a tax or a municipal claim shall not~~
29 ~~be divested by any judicial sale of the property liened, where~~
30 ~~the amount due is indefinite or undetermined, or where the same~~

1 ~~is not due and payable; nor shall the lien of a tax or municipal~~
2 ~~claim be divested by any judicial sale of the property liened,~~
3 ~~as respects so much thereof as the proceeds of such sale may be~~
4 ~~insufficient to discharge; nor, except as hereinafter provided,~~
5 ~~shall a judicial sale of the property liened, under a judgment~~
6 ~~obtained on a tax or municipal claim, discharge the lien of any~~
7 ~~other tax or municipal claim than that upon which said sale is~~
8 ~~had, except to the extent that the proceeds realized are~~
9 ~~sufficient for its payment, after paying the costs, charges and~~
10 ~~fees, including reasonable attorney fees, expenses of the sale,~~
11 ~~and of the writ upon which it was made, and any other prior tax~~
12 ~~or municipal claims to which the fund may first be applicable.~~
13 ~~On any such sale being made all tax claims shall be paid out of~~
14 ~~the proceeds thereof: first, the oldest tax having priority; and~~
15 ~~municipal claims shall be paid next, the oldest in point of lien~~
16 ~~having priority. Mortgages, ground rents, and other charges on~~
17 ~~or estates in the property which were recorded, or created where~~
18 ~~recording is not required, before any tax other than for the~~
19 ~~current year accrue, or before the actual doing of the work in~~
20 ~~front of or upon the particular property for which the municipal~~
21 ~~claim is filed, shall not be disturbed by such sale unless a~~
22 ~~prior lien is also discharged thereby.~~

23 ~~In case the property be not sold for a sum sufficient to pay~~
24 ~~all taxes and municipal claims, together with the costs thereon,~~
25 ~~the plaintiff in any such claim may postpone the sale by~~
26 ~~announcement to the assembled bidders or as may otherwise be~~
27 ~~provided by local rule or conditions of sale, without payment of~~
28 ~~costs, and file his petition setting forth that more than one~~
29 ~~year has elapsed since the filing of his claim; that he has~~
30 ~~exposed the property to sheriff's sale thereunder, and was~~

1 ~~unable to obtain a bid sufficient to pay the upset price in~~
2 ~~full; and, if the plaintiff is not a municipality as defined in~~
3 ~~this act, that he will bid sufficient to pay the upset price,~~
4 ~~and upon the production of searches or a title insurance policy~~
5 ~~showing the state of the record and the ownership of the~~
6 ~~property, and of all tax and municipal claims, mortgages,~~
7 ~~ground rents, or other charges on or estates in the land, the~~
8 ~~court shall grant a rule upon all parties thus shown to be~~
9 ~~interested to appear and show cause why a decree should not be~~
10 ~~made that said property be sold, freed, and cleared of their~~
11 ~~respective claims, mortgages, charges, and estates. If, upon a~~
12 ~~hearing thereafter, the court is satisfied that service has been~~
13 ~~made of said rule upon the parties respondent, in the manner~~
14 ~~provided in section 39.2, and that the facts stated in the~~
15 ~~petition be true, it shall order and decree that said property~~
16 ~~be sold at a subsequent sheriff's sale day, to be fixed by the~~
17 ~~court without further advertisement, and the court may fix a~~
18 ~~common date and place of sale for more than one of said~~
19 ~~properties if it deems a joint sale to be advantageous. All~~
20 ~~property at sheriff's sale shall be sold, clear of all claims,~~
21 ~~liens, mortgages, charges, and estates, to the highest bidder at~~
22 ~~such sale; and the proceeds realized therefrom shall be~~
23 ~~distributed in accordance with the priority of such claims; and~~
24 ~~the purchaser at such sale shall take, and forever thereafter~~
25 ~~have, an absolute title to the property sold, free, and~~
26 ~~discharged of all tax and municipal claims, liens, mortgages,~~
27 ~~charges, and estates of whatsoever kind, subject only to the~~
28 ~~right of redemption as provided by law. In counties of the~~
29 ~~second class, upon return of the writ upon which the sale was~~
30 ~~made and upon the expiration of the statutory right of~~

1 ~~redemption and if no petition to set aside the sale is pending,~~
2 ~~the prothonotary shall satisfy all tax claims and municipal~~
3 ~~claims divested by the judicial sale in accordance with the~~
4 ~~order of court authorizing such sale.~~

5 ~~Any person interested may, at any time before the sale, pay~~
6 ~~the petitioner the whole of his claim, with interest, costs,~~
7 ~~charges, expenses, fees and attorney fees, whereupon the~~
8 ~~proceedings on petition shall at once determine.~~

9 ~~For the purpose of enabling the petitioner in any such~~
10 ~~proceedings to give the notice required, he may take the~~
11 ~~testimony of the defendant in the claim, or of any other person~~
12 ~~whom he may have reason to believe has knowledge of the~~
13 ~~whereabouts of any of the parties respondent, either by~~
14 ~~deposition, commission, or letters rogatory.~~

15 ~~Any municipality, being a claimant, shall have the right, and~~
16 ~~is hereby empowered, to bid and become the purchaser of the~~
17 ~~property at such sale; and while the said property, so~~
18 ~~purchased, is held and owned by any county, city, borough,~~
19 ~~incorporated town, township, school district or a body politic~~
20 ~~and corporate created as a municipal authority pursuant to law,~~
21 ~~it shall not be subject to tax claims, unless it be redeemed by~~
22 ~~the former owner or other person having the right to redeem, as~~
23 ~~provided by law. If, however, a municipality shall become the~~
24 ~~purchaser at said sale, the former owner or other person,~~
25 ~~desiring to redeem, shall pay all taxes and municipal claims~~
26 ~~accrued and chargeable against the property prior to the sale~~
27 ~~thereof, together with the costs and interest thereon, and also~~
28 ~~all taxes and claims, whether filed or not, which would have~~
29 ~~accrued and become chargeable against the property had the same~~
30 ~~been purchased at the sale by some party other than the~~

1 municipality.

2 ~~Upon the delivery by the sheriff of a deed for any property~~
3 ~~sold under a tax or municipal claim, the judgment upon which~~
4 ~~such sale was had shall thereupon and forever thereafter be~~
5 ~~final and conclusive as to all matters of defense which could~~
6 ~~have been raised in the proceeding, including payment, and no~~
7 ~~error or irregularity in obtaining or entering of such judgment~~
8 ~~shall effect the validity thereof.~~

9 ~~Section 7. Section 39.2 of the act, amended February 7, 1996~~
10 ~~(P.L.1, No.1) and August 14, 2003 (P.L.83, No.20), is amended to~~
11 ~~read:~~

12 ~~Section 39.2. (a) In cities of the first class, notice of a~~
13 ~~rule to show cause why a property should not be sold free and~~
14 ~~clear of all encumbrances issued by a court pursuant to a~~
15 ~~petition filed by a claimant under section 31.2 of this act~~
16 ~~shall be served by the claimant upon owners, mortgagees, holders~~
17 ~~of ground rents, liens and charges or estates of whatsoever kind~~
18 ~~as follows:~~

19 ~~(1) By posting a true and correct copy of the petition and~~
20 ~~rule on the most public part of the property;~~

21 ~~(2) By mailing by first class mail to the address registered~~
22 ~~by any interested party pursuant to section 39.1 of this act a~~
23 ~~true and correct copy of the petition and rule; and~~

24 ~~(3) By reviewing a title search, title insurance policy or~~
25 ~~tax information certificate that identifies interested parties~~
26 ~~of record who have not registered their addresses pursuant to~~
27 ~~section 39.1 of this act, the city shall mail by first class~~
28 ~~mail and either by certified mail, return receipt requested, or~~
29 ~~by registered mail to such addresses as appear on the respective~~
30 ~~records relating to the premises a true and correct copy of the~~

1 ~~petition and rule.~~

2 ~~Service of notice pursuant to this section shall be deemed~~
3 ~~accomplished on the date of mailing. The city shall file an~~
4 ~~affidavit of service with the court prior to seeking a decree~~
5 ~~ordering the sale of the premises.~~

6 ~~(a.1) In counties of the second class and municipalities~~
7 ~~therein, notice of a rule to show cause why a property should~~
8 ~~not be sold free and clear of all liens and encumbrances issued~~
9 ~~by a court pursuant to a petition filed by a claimant under~~
10 ~~sections 28 and 31.1 of this act shall be served by the claimant~~
11 ~~upon owners, mortgagees, holders of ground rents, liens and~~
12 ~~charges or estates of whatsoever kind as follows:~~

13 ~~(1) By posting a true and correct copy of the petition and~~
14 ~~rule on the most public part of the property.~~

15 ~~(2) By reviewing a title search, title insurance policy or~~
16 ~~tax information certificate that identifies interested parties~~
17 ~~of record, the county or municipality shall mail by first class~~
18 ~~mail and either by certified mail, return receipt requested, or~~
19 ~~by certificate of mailing to such addresses as appear on the~~
20 ~~respective records relating to the premises a true and correct~~
21 ~~copy of the petition and rule. Notice pursuant to this section~~
22 ~~shall be deemed accomplished on the date of mailing. The county~~
23 ~~or municipality shall file an affidavit of service with the~~
24 ~~court prior to seeking a decree ordering the sale of the~~
25 ~~premises.~~

26 ~~(a.2) Except in cities of the first class, counties of the~~
27 ~~second class and municipalities located in counties of the~~
28 ~~second class, notice of a rule to show cause why a property~~
29 ~~should not be sold free and clear of all liens and encumbrances~~
30 ~~issued by a court pursuant to a petition filed by a claimant~~

1 ~~under section 31 shall be served by the claimant upon owners,~~
2 ~~mortgagees, holders of ground rents, liens and charges or~~
3 ~~estates of whatsoever kind as follows:~~

4 ~~(1) By posting a true and correct copy of the petition and~~
5 ~~rule on the most public part of the property.~~

6 ~~(2) By reviewing a title search, title insurance policy or~~
7 ~~tax information certificate that identifies interested parties~~
8 ~~of record, the county or municipality shall mail by first class~~
9 ~~mail and either by certified mail, return receipt requested, or~~
10 ~~by certificate of mailing to such addresses as appear on the~~
11 ~~respective records relating to the premises a true and correct~~
12 ~~copy of the petition and rule. Notice pursuant to this~~
13 ~~subsection shall be deemed accomplished on the date of mailing.~~
14 ~~The county or municipality shall file an affidavit of service~~
15 ~~with the court prior to seeking a decree ordering the sale of~~
16 ~~the premises.~~

17 ~~(b) No party whose interest did not appear on a title~~
18 ~~search, title insurance policy or tax information certificate or~~
19 ~~who failed to accurately register his interest and address~~
20 ~~pursuant to section 39.1 of this act shall have standing to~~
21 ~~complain of improper notice if the city shall have complied with~~
22 ~~subsection (a) of this section. This provision shall not apply~~
23 ~~if the mortgage or interest was otherwise properly recorded in~~
24 ~~the Office of the Recorder of Deeds and the document contains a~~
25 ~~current address sufficient to satisfy the notice requirements of~~
26 ~~this section. Notwithstanding any other requirement set forth in~~
27 ~~this act or any other law to the contrary, the notice required~~
28 ~~by subsection (a) of this section shall constitute the only~~
29 ~~notice required before a court may enter a decree ordering a tax~~
30 ~~sale.~~

1 ~~(b.1) No party whose interest did not appear on a title~~
2 ~~search or title insurance policy, because of the party's failure~~
3 ~~to record or properly record its interest, shall have standing~~
4 ~~to complain of improper notice if the county or municipality~~
5 ~~shall have complied with subsection (a.1). This provision shall~~
6 ~~not apply if the mortgage or interest was otherwise properly~~
7 ~~recorded in the Office of the Recorder of Deeds and the document~~
8 ~~contains a current address sufficient to satisfy the notice~~
9 ~~requirements of this section. Notwithstanding any other~~
10 ~~requirement set forth by subsection (a.1), notice thereunder~~
11 ~~shall constitute the only notice required before a court may~~
12 ~~enter a decree ordering a tax sale free and clear of liens.~~

13 ~~(b.2) If the county or municipality shall have complied with~~
14 ~~subsection (a.2), no party whose interest did not appear on a~~
15 ~~title search or title insurance policy because of the party's~~
16 ~~failure to record or properly record its interest shall have~~
17 ~~standing to complain of improper notice. This provision shall~~
18 ~~not apply if the mortgage or interest was otherwise properly~~
19 ~~recorded in the Office of the Recorder of Deeds and the document~~
20 ~~contains a current address sufficient to satisfy the notice~~
21 ~~requirements of this section. Notwithstanding any other~~
22 ~~requirement of subsection (a.2), notice thereunder shall~~
23 ~~constitute the only notice required before a court may enter a~~
24 ~~decree ordering a tax sale free and clear of liens.~~

25 ~~(c) Notice of the court's decree ordering a tax sale,~~
26 ~~together with the time, place and date of the sale, shall be~~
27 ~~served by first class mail on all parties served with the~~
28 ~~petition and rule, on any parties whose interest appeared of~~
29 ~~record after the filing of the petition but before the court's~~
30 ~~decree and on any creditor who has obtained judgment against the~~

1 owner of the premises prior to the date of the decree. The city
2 shall file an affidavit of service of these notices prior to the
3 date of the sale.

4 ~~(d) Except in cities of the first class, in sales pursuant
5 to a petition filed by a claimant under section 31 or 31.1,
6 notice of the court's decree ordering a tax sale, together with
7 the time, place and date of the sale, shall be served along with
8 the notice of sheriff's sale and shall be provided to all
9 parties entitled to receive notice pursuant to Pa.R.C.P.
10 No.3129.1 (relating to sale of real property; notice;
11 affidavit).~~

12 ~~(e) Except in cities of the first class, in sales pursuant
13 to a petition filed by a claimant under section 28 or 31, notice
14 of the court's decree ordering a sale, together with the time,
15 place and date of the sale, shall be served by first class mail
16 upon all parties who receive notice pursuant to Pa.R.C.P.
17 No.3129.1 prior to the initial sale. Notice under this section
18 shall be provided no later than seven days prior to the
19 continued sale.~~

20 Section 8. The act is amended by adding a section to read:

21 Section 42. Notwithstanding any other provision of law, any
22 taxing district in this Commonwealth may adopt an ordinance or a
23 resolution if the taxing district is of a class which does not
24 have the power to enact an ordinance to collect taxes under this
25 act exclusively and independently of any other statute governing
26 the collection of taxes, including the act of July 7, 1947
27 (P.L.1368, No.542), known as the "Real Estate Tax Sale Law" and
28 independent of any county tax claim bureau. Any taxing district
29 which adopts an ordinance or resolution to collect taxes under
30 this section shall not be required to comply with any of the

1 ~~procedures or provisions of the "Real Estate Tax Sale Law,"~~
2 ~~including the obligation to make annual returns to any county~~
3 ~~tax claim bureau. For the purposes of this section, the term~~
4 ~~"taxing district" shall have the same meaning as given to it~~
5 ~~under section 102 of the "Real Estate Tax Sale Law".~~

6 Section 9. ~~This act shall apply as follows:~~

7 (1) ~~The amendment of section 3 of the act shall apply~~
8 ~~retroactively to January 1, 1996.~~

9 (2) ~~The addition of section 42 of the act shall apply~~
10 ~~retroactively to January 1, 2005.~~

11 Section 10. ~~This act shall take effect in 60 days.~~

12 SECTION 1. SECTION 1 OF THE ACT OF MAY 16, 1923 (P.L.207,
13 NO.153), REFERRED TO AS THE MUNICIPAL CLAIM AND TAX LIEN LAW,
14 AMENDED AUGUST 14, 2003 (P.L.83, NO.20) AND JULY 15, 2004
15 (P.L.726, NO.83), IS AMENDED TO READ:

16 SECTION 1. BE IT ENACTED, &C., THAT THE WORD "TAXES," AS
17 USED IN THIS ACT, MEANS ANY COUNTY, CITY, BOROUGH, INCORPORATED
18 TOWN, TOWNSHIP, SCHOOL, BRIDGE, ROAD, OR POOR TAXES, TOGETHER
19 WITH AND INCLUDING ALL PENALTIES, INTEREST, COSTS, CHARGES,
20 EXPENSES AND FEES, INCLUDING REASONABLE ATTORNEY FEES, AS
21 ALLOWED BY THIS ACT AND ALL OTHER APPLICABLE LAWS.

22 THE WORD "DELINQUENT," AS USED IN THIS ACT, EXCEPT WITH
23 RESPECT TO COUNTY TAXES IN COUNTIES OF THE SECOND CLASS, REFERS
24 TO TAXES THAT REMAIN UNPAID ON DECEMBER 31 OF THE CALENDAR YEAR
25 IN WHICH THEY BECAME FIRST DUE AND PAYABLE, EXCEPT THAT IF THE
26 TAXES ARE BEING PAID IN INSTALLMENTS PURSUANT TO AND IN
27 ACCORDANCE WITH THE PROVISIONS OF ANY ACT PERMITTING OR
28 REQUIRING INSTALLMENT PAYMENTS, THE TERM SHALL MEAN THAT PORTION
29 OF THE TAXES THAT REMAINS UNPAID ON THE FIRST DAY OF THE MONTH
30 FOLLOWING THE MONTH THAT THE LAST REQUIRED INSTALLMENT PAYMENT

1 WAS DUE AND PAYABLE. FOR MUNICIPAL CLAIMS, OTHER THAN TAX
2 CLAIMS, THE TERM MEANS NINETY DAYS AFTER THE DATE OF THE INITIAL
3 BILLING FOR THE CLAIMS.

4 THE WORD "HIGHWAY," AS USED IN THIS ACT, MEANS THE WHOLE OR
5 ANY PART OF ANY PUBLIC STREET, PUBLIC ROAD, PUBLIC LANE, PUBLIC
6 ALLEY, OR OTHER PUBLIC HIGHWAY.

7 THE WORDS "TAX CLAIM," AS USED IN THIS ACT, MEAN THE CLAIM
8 FILED TO RECOVER TAXES.

9 THE WORDS "MUNICIPAL CLAIM," AS USED IN THIS ACT, UNLESS
10 SPECIFICALLY INDICATED OTHERWISE, MEAN AND INCLUDE (1) THE CLAIM
11 ARISING OUT OF, OR RESULTING FROM, A TAX ASSESSED, SERVICE
12 SUPPLIED, WORK DONE, OR IMPROVEMENT AUTHORIZED AND UNDERTAKEN,
13 BY A MUNICIPALITY, ALTHOUGH THE AMOUNT THEREOF BE NOT AT THE
14 TIME DEFINITELY ASCERTAINED BY THE AUTHORITY AUTHORIZED TO
15 DETERMINE THE SAME, AND A LIEN THEREFOR BE NOT FILED, BUT
16 BECOMES FILABLE WITHIN THE PERIOD AND IN THE MANNER HEREIN
17 PROVIDED, (2) THE CLAIM FILED TO RECOVER FOR THE GRADING,
18 GUTTERING, MACADAMIZING, OR OTHERWISE IMPROVING, THE CARTWAYS OF
19 ANY PUBLIC HIGHWAY; FOR GRADING, CURBING, RECURBING, PAVING,
20 REPAVING, CONSTRUCTING, OR REPAIRING THE FOOTWAYS THEREOF; FOR
21 LAYING WATER PIPES, GAS PIPES, CULVERTS, SEWERS, BRANCH SEWERS,
22 OR SEWER CONNECTIONS THEREIN; FOR ASSESSMENTS FOR BENEFITS IN
23 THE OPENING, WIDENING OR VACATION THEREOF; OR IN THE CHANGING OF
24 WATER-COURSES OR THE CONSTRUCTION OF SEWERS THROUGH PRIVATE
25 LANDS; OR IN HIGHWAYS OF TOWNSHIPS OF THE FIRST CLASS; OR IN THE
26 ACQUISITION OF SEWERS AND DRAINS CONSTRUCTED AND OWNED BY
27 INDIVIDUALS OR CORPORATIONS, AND OF RIGHTS IN AND TO USE THE
28 SAME; FOR THE REMOVAL OF NUISANCES; OR FOR GARBAGE FEES,
29 RECYCLING FEES, LANDLORD LICENSING AND INSPECTION FEES, WATER
30 RATES, LIGHTING RATES, OR SEWER RATES, AND (3) THE CLAIM FILED

1 TO RECOVER FOR WORK, MATERIAL, AND SERVICES RENDERED OR
2 FURNISHED IN THE CONSTRUCTION, IMPROVEMENT, MAINTENANCE, AND
3 OPERATION OF A PROJECT OR PROJECTS OF A BODY POLITIC OR
4 CORPORATE CREATED AS A MUNICIPAL AUTHORITY PURSUANT TO LAW. A
5 MUNICIPAL CLAIM SHALL BE TOGETHER WITH AND SHALL INCLUDE ALL
6 PENALTIES, INTEREST, COSTS, FINES, CHARGES, EXPENSES AND FEES,
7 INCLUDING REASONABLE ATTORNEY FEES, AS ALLOWED BY THIS ACT AND
8 ALL OTHER APPLICABLE LAWS.

9 THE WORD "CLAIMANT," AS USED IN THIS ACT, MEANS THE PLAINTIFF
10 OR USE-PLAINTIFF IN WHOSE FAVOR THE CLAIM IS FILED AS A LIEN.

11 THE WORD "CONTRACTOR," AS USED IN THIS ACT, MEANS THE PERSON
12 OR PERSONS WHO, UNDER CONTRACT WITH THE LEGAL PLAINTIFF,
13 PERFORMED THE WORK FOR WHICH THE LIEN IS GIVEN.

14 THE WORD "PROPERTY," AS USED IN THIS ACT, MEANS THE REAL
15 ESTATE SUBJECT TO THE LIEN AND AGAINST WHICH THE CLAIM IS FILED
16 AS A LIEN.

17 THE WORD "OWNER," AS USED IN THIS ACT, MEANS THE PERSON OR
18 PERSONS IN WHOSE NAME THE PROPERTY IS REGISTERED, IF REGISTERED
19 ACCORDING TO LAW, AND, IN ALL OTHER CASES, MEANS ANY PERSON OR
20 PERSONS IN OPEN, PEACEABLE AND NOTORIOUS POSSESSION OF THE
21 PROPERTY, AS APPARENT OWNER OR OWNERS THEREOF, IF ANY, OR THE
22 REPUTED OWNER OR OWNERS THEREOF IN THE NEIGHBORHOOD OF SUCH
23 PROPERTY.

24 THE WORD "MUNICIPALITY," AS USED IN THIS ACT, MEANS ANY
25 COUNTY, CITY, BOROUGH, INCORPORATED TOWN, TOWNSHIP, SCHOOL
26 DISTRICT, OR A BODY POLITIC AND CORPORATE CREATED AS A MUNICIPAL
27 AUTHORITY PURSUANT TO LAW AND ANY ASSIGNEES THEREOF.

28 THE WORDS "CHARGES, EXPENSES, AND FEES," AS USED IN THIS ACT,
29 INCLUDE ALL SUMS PAID OR INCURRED BY A MUNICIPALITY TO FILE,
30 PRESERVE AND COLLECT UNPAID TAXES, TAX CLAIMS, TAX LIENS,

1 MUNICIPAL CLAIMS AND MUNICIPAL LIENS, INCLUDING, BUT NOT LIMITED
2 TO, PROTHONOTARY AND SHERIFF FEES, POSTAGE EXPENSES, AND TITLE
3 SEARCH EXPENSES. A COUNTY, CITY, BOROUGH, INCORPORATED TOWN,
4 TOWNSHIP, SCHOOL DISTRICT OR MUNICIPAL AUTHORITY MAY ALSO
5 RECOVER AS "CHARGES, EXPENSES, AND FEES" THE CHARGES, EXPENSES,
6 COMMISSIONS AND FEES OF THIRD-PARTY COLLECTORS RETAINED BY THE
7 COUNTY, CITY, BOROUGH, INCORPORATED TOWN, TOWNSHIP, SCHOOL
8 DISTRICT OR MUNICIPAL AUTHORITY, PROVIDED THAT THE CHARGES,
9 EXPENSES, COMMISSIONS AND FEES OF SUCH THIRD-PARTY COLLECTORS
10 ARE APPROVED BY LEGISLATIVE ACTION OF THE COUNTY, CITY, BOROUGH,
11 INCORPORATED TOWN, TOWNSHIP, SCHOOL DISTRICT OR MUNICIPAL
12 AUTHORITY WHICH LEVIES THE UNPAID TAXES, TAX CLAIMS, TAX LIENS,
13 MUNICIPAL CLAIMS AND MUNICIPAL LIENS.

14 SECTION 2. SECTION 3 OF THE ACT, AMENDED AUGUST 14, 2003
15 (P.L.83, NO.20), IS AMENDED TO READ:

16 SECTION 3. (A) ALL MUNICIPAL CLAIMS, MUNICIPAL LIENS,
17 TAXES, TAX CLAIMS AND TAX LIENS WHICH MAY HEREAFTER BE LAWFULLY
18 IMPOSED OR ASSESSED ON ANY PROPERTY IN THIS COMMONWEALTH, AND
19 ALL SUCH CLAIMS HERETOFORE LAWFULLY IMPOSED OR ASSESSED WITHIN
20 SIX MONTHS BEFORE THE PASSAGE OF THIS ACT AND NOT YET LIENED, IN
21 THE MANNER AND TO THE EXTENT HEREINAFTER SET FORTH, SHALL BE AND
22 THEY ARE HEREBY DECLARED TO BE A LIEN ON SAID PROPERTY, TOGETHER
23 WITH ALL CHARGES, EXPENSES, AND FEES INCURRED IN THE COLLECTION
24 OF ANY DELINQUENT ACCOUNT, INCLUDING REASONABLE ATTORNEY FEES
25 UNDER SUBSECTION (A.1), ADDED THERETO FOR FAILURE TO PAY
26 PROMPTLY; AND MUNICIPAL CLAIMS AND MUNICIPAL LIENS SHALL ARISE
27 WHEN LAWFULLY IMPOSED AND ASSESSED AND SHALL HAVE PRIORITY TO
28 AND BE FULLY PAID AND SATISFIED OUT OF THE PROCEEDS OF ANY
29 JUDICIAL SALE OF SAID PROPERTY, BEFORE ANY OTHER OBLIGATION,
30 JUDGMENT, CLAIM, LIEN, OR ESTATE WITH WHICH THE SAID PROPERTY

1 MAY BECOME CHARGED, OR FOR WHICH IT MAY BECOME LIABLE, SAVE AND
2 EXCEPT ONLY THE COSTS OF THE SALE AND OF THE WRIT UPON WHICH IT
3 IS MADE, AND THE TAXES, TAX CLAIMS AND TAX LIENS IMPOSED OR
4 ASSESSED UPON SAID PROPERTY.

5 (A.1) [IT IS NOT THE INTENT OF THIS SUBSECTION TO REQUIRE
6 OWNERS TO PAY, OR MUNICIPALITIES TO SANCTION, INAPPROPRIATE OR
7 UNREASONABLE ATTORNEY FEES, CHARGES OR EXPENSES FOR ROUTINE
8 FUNCTIONS.] ATTORNEY FEES INCURRED IN THE COLLECTION OF ANY
9 DELINQUENT ACCOUNT, INCLUDING MUNICIPAL CLAIMS, MUNICIPAL LIENS,
10 TAXES, TAX CLAIMS AND TAX LIENS, SHALL BE IN AN AMOUNT
11 SUFFICIENT TO COMPENSATE ATTORNEYS UNDERTAKING COLLECTION AND
12 REPRESENTATION OF A MUNICIPALITY OR ITS ASSIGNEE IN ANY ACTIONS
13 IN LAW OR EQUITY INVOLVING CLAIMS ARISING UNDER THIS ACT. A
14 MUNICIPALITY BY ORDINANCE, OR BY RESOLUTION IF THE MUNICIPALITY
15 IS OF A CLASS WHICH DOES NOT HAVE THE POWER TO ENACT AN
16 ORDINANCE, SHALL ADOPT THE SCHEDULE OF ATTORNEY FEES. WHERE
17 ATTORNEY FEES ARE SOUGHT TO BE COLLECTED IN CONNECTION WITH THE
18 COLLECTION OF A DELINQUENT ACCOUNT, INCLUDING MUNICIPAL CLAIMS,
19 MUNICIPAL LIENS, TAXES, TAX CLAIMS AND TAX LIENS, THE OWNER MAY
20 PETITION THE COURT OF COMMON PLEAS IN THE COUNTY WHERE THE
21 PROPERTY SUBJECT TO THE MUNICIPAL CLAIM AND LIEN, TAX CLAIM AND
22 LIEN OR TAXES IS LOCATED TO ADJUDICATE THE REASONABLENESS OF THE
23 ATTORNEY FEES IMPOSED. IN THE EVENT THAT THERE IS A CHALLENGE TO
24 THE REASONABLENESS OF THE ATTORNEY FEES IMPOSED IN ACCORDANCE
25 WITH THIS SECTION, THE COURT SHALL CONSIDER, BUT NOT BE LIMITED
26 TO, THE FOLLOWING:

27 (1) THE TIME AND LABOR REQUIRED, THE NOVELTY AND DIFFICULTY
28 OF THE QUESTIONS INVOLVED AND THE SKILL REQUISITE TO PROPERLY
29 UNDERTAKE COLLECTION AND REPRESENTATION OF A MUNICIPALITY IN
30 ACTIONS ARISING UNDER SUBSECTION (A).

1 (2) THE CUSTOMARY CHARGES OF THE MEMBERS OF THE BAR FOR
2 SIMILAR SERVICES.

3 (3) THE [AMOUNT OF THE DELINQUENT ACCOUNT COLLECTED AND THE]
4 BENEFIT TO THE MUNICIPALITY FROM THE SERVICES.

5 (4) THE CONTINGENCY OR THE CERTAINTY OF THE COMPENSATION.

6 (A.2) ANY TIME ATTORNEY FEES ARE AWARDED PURSUANT TO ANY
7 PROVISION OF LAW, THE MUNICIPALITY SHALL NOT BE ENTITLED TO
8 DUPLICATE RECOVERY OF ATTORNEY FEES UNDER THIS SECTION.

9 (A.3) (1) AT LEAST THIRTY DAYS PRIOR TO ASSESSING OR
10 IMPOSING ATTORNEY FEES IN CONNECTION WITH THE COLLECTION OF A
11 DELINQUENT ACCOUNT, INCLUDING MUNICIPAL CLAIMS, MUNICIPAL LIENS,
12 TAXES, TAX CLAIMS AND TAX LIENS, A MUNICIPALITY SHALL, BY UNITED
13 STATES CERTIFIED MAIL, RETURN RECEIPT REQUESTED, POSTAGE
14 PREPAID, MAIL TO THE OWNER THE NOTICE REQUIRED BY THIS
15 SUBSECTION. NOTWITHSTANDING THE PROVISION OF THIS SECTION, A
16 REASONABLE FEE PAID OR INCURRED BY A MUNICIPALITY TO AN ATTORNEY
17 OR LAW FIRM TO SATISFY THE NOTICE REQUIREMENTS OF THIS SECTION
18 MAY BE ASSESSED WITHOUT PROVIDING PRIOR NOTICE.

19 (2) IF WITHIN THIRTY DAYS OF MAILING THE NOTICE IN
20 ACCORDANCE WITH CLAUSE (1) THE CERTIFIED MAIL IS REFUSED OR
21 UNCLAIMED OR THE RETURN RECEIPT IS NOT RECEIVED, THEN AT LEAST
22 TEN DAYS PRIOR TO ASSESSING OR IMPOSING ATTORNEY FEES IN
23 CONNECTION WITH THE COLLECTION OF A DELINQUENT ACCOUNT, A
24 MUNICIPALITY SHALL, BY UNITED STATES FIRST CLASS MAIL, MAIL TO
25 THE OWNER THE NOTICE REQUIRED BY THIS SUBSECTION.

26 (3) THE NOTICE REQUIRED BY THIS SUBSECTION SHALL BE MAILED
27 TO THE OWNER'S LAST KNOWN POST OFFICE ADDRESS BY VIRTUE OF THE
28 KNOWLEDGE AND INFORMATION POSSESSED BY THE MUNICIPALITY AND BY
29 THE COUNTY OFFICE RESPONSIBLE FOR ASSESSMENTS AND REVISIONS OF
30 TAXES. IT SHALL BE THE DUTY OF THE MUNICIPALITY TO DETERMINE THE

1 OWNER'S LAST POST OFFICE ADDRESS KNOWN TO SAID COLLECTOR AND
2 COUNTY ASSESSMENT OFFICE.

3 (4) THE NOTICE TO THE OWNER SHALL INCLUDE THE FOLLOWING:

4 (I) A STATEMENT OF THE MUNICIPALITY'S INTENT TO IMPOSE OR
5 ASSESS ATTORNEY FEES WITHIN THIRTY DAYS OF MAILING THE NOTICE
6 PURSUANT TO CLAUSE (1) OR WITHIN TEN DAYS OF THE MAILING OF THE
7 NOTICE PURSUANT TO CLAUSE (2).

8 (II) THE MANNER IN WHICH THE IMPOSITION OR ASSESSMENT OF
9 ATTORNEY FEES MAY BE AVOIDED BY PAYMENT OF THE DELINQUENT
10 ACCOUNT.

11 (B) WITH THE EXCEPTION OF THOSE CLAIMS WHICH HAVE BEEN
12 ASSIGNED, ANY MUNICIPAL CLAIM, MUNICIPAL LIEN, TAX, TAX CLAIM OR
13 TAX LIEN, INCLUDING INTEREST, PENALTY AND COSTS, IMPOSED BY A
14 CITY OF THE FIRST CLASS, SHALL BE A JUDGMENT ONLY AGAINST THE
15 SAID PROPERTY WHEN THE LIEN HAS BEEN DOCKETED BY THE
16 PROTHONOTARY. THE DOCKETING OF THE LIEN SHALL BE GIVEN THE
17 EFFECT OF A JUDGMENT AGAINST THE SAID PROPERTY ONLY WITH RESPECT
18 TO WHICH THE CLAIM IS FILED AS A LIEN. THE PROTHONOTARY SHALL
19 MAINTAIN AN IN REM INDEX, THE FORM AND LOCATION OF WHICH SHALL
20 BE WITHIN THE PROTHONOTARY'S DISCRETION. ALL TAX CLAIMS, WATER
21 RENTS OR RATES, LIGHTING RATES, POWER RATES AND SEWER RATES
22 HERETOFORE FILED ARE HEREBY RATIFIED, CONFIRMED AND MADE VALID
23 SUBSISTING LIENS AS OF THE DATE OF THEIR ORIGINAL FILING.

24 (C) A WRIT OF EXECUTION MAY ISSUE DIRECTLY WITHOUT
25 PROSECUTION TO JUDGMENT OF A WRIT OF SCIRE FACIAS. ANY PROPERTY
26 SOLD IN EXECUTION SHALL BE SOLD IN COMPLIANCE WITH THE
27 PROVISIONS OF SECTION 31.2.

28 (D) ATTORNEY FEES MAY BE IMPOSED AND COLLECTED IN ACCORDANCE
29 WITH THIS SECTION UPON ALL TAXES, TAX CLAIMS, TAX LIENS,
30 MUNICIPAL CLAIMS, MUNICIPAL LIENS, WRITS OF SCIRE FACIAS,

1 JUDGMENTS OR EXECUTIONS FILED ON OR AFTER DECEMBER 19, 1990.

2 SECTION 3. SECTION 9 OF THE ACT, AMENDED FEBRUARY 21, 2006
3 (P.L.46, NO.18), IS AMENDED TO READ:

4 SECTION 9. CLAIMS FOR TAXES, WATER RENTS OR RATES, LIGHTING
5 RATES, POWER RATES AND SEWER RATES MUST BE FILED IN THE COURT OF
6 COMMON PLEAS OF THE COUNTY IN WHICH THE PROPERTY IS SITUATED
7 UNLESS THE PROPERTY IS SITUATE IN THE CITY OF PHILADELPHIA AND
8 THE TAXES OR RATES DO NOT EXCEED THE MAXIMUM AMOUNT OVER WHICH
9 THE MUNICIPAL COURT OF PHILADELPHIA HAS ORIGINAL JURISDICTION,
10 IN WHICH EVENT THE CLAIM MUST BE FILED IN THE MUNICIPAL COURT OF
11 PHILADELPHIA. ALL SUCH CLAIMS SHALL BE FILED ON OR BEFORE THE
12 LAST DAY OF THE THIRD CALENDAR YEAR AFTER THAT IN WHICH THE
13 TAXES OR RATES ARE FIRST PAYABLE, EXCEPT THAT IN CITIES AND
14 SCHOOL DISTRICTS OF THE FIRST CLASS CLAIMS FOR TAXES AND OTHER
15 MUNICIPAL CLAIMS, WHICH HAVE HERETOFORE BECOME LIENS PURSUANT TO
16 THE PROVISIONS OF THIS ACT OR WHICH HAVE BEEN ENTERED OF RECORD
17 AS LIENS OR WHICH HAVE BEEN LIENED AND REVIVED, SHALL CONTINUE
18 AND REMAIN AS LIENS FOR THE PERIOD OF TWENTY YEARS FROM SUCH
19 REVIVAL, ENTRY OR LIEN BY OPERATION OF LAW, WHICHEVER SHALL HAVE
20 LAST OCCURRED; AND OTHER MUNICIPAL CLAIMS MUST BE FILED IN SAID
21 COURT OF COMMON PLEAS OR THE MUNICIPAL COURT OF PHILADELPHIA
22 WITHIN SIX MONTHS FROM THE TIME THE WORK WAS DONE IN FRONT OF
23 THE PARTICULAR PROPERTY, WHERE THE CHARGE AGAINST THE PROPERTY
24 IS ASSESSED OR MADE AT THE TIME THE WORK IS AUTHORIZED; WITHIN
25 SIX MONTHS AFTER THE COMPLETION OF THE IMPROVEMENT, WHERE THE
26 ASSESSMENT IS MADE BY THE MUNICIPALITY UPON ALL THE PROPERTIES
27 AFTER THE COMPLETION OF THE IMPROVEMENT; AND WITHIN SIX MONTHS
28 AFTER CONFIRMATION BY THE COURT, WHERE CONFIRMATION IS REQUIRED;
29 THE CERTIFICATE OF THE SURVEYOR, ENGINEER, OR OTHER OFFICER
30 SUPERVISING THE IMPROVEMENT, FILED IN THE PROPER OFFICE, BEING

1 CONCLUSIVE OF THE TIME OF COMPLETION THEREOF, BUT HE BEING
2 PERSONALLY LIABLE TO ANYONE INJURED BY ANY FALSE STATEMENT
3 THEREIN. WHERE A BOROUGH LIES IN MORE THAN ONE COUNTY, ANY SUCH
4 CLAIM FILED BY SUCH BOROUGH MAY BE FILED IN EACH OF SUCH
5 COUNTIES. IN CASE THE REAL ESTATE BENEFITED BY THE IMPROVEMENT
6 IS SOLD BEFORE THE MUNICIPAL CLAIM IS FILED, THE DATE OF
7 COMPLETION IN SAID CERTIFICATE SHALL DETERMINE THE LIABILITY FOR
8 THE PAYMENT OF THE CLAIM AS BETWEEN BUYER AND SELLER, UNLESS
9 OTHERWISE AGREED UPON OR AS ABOVE SET FORTH. A NUMBER OF YEARS'
10 TAXES OR RATES OF DIFFERENT KINDS IF PAYABLE TO THE SAME
11 PLAINTIFF MAY BE INCLUDED IN ONE CLAIM. INTEREST AS DETERMINED
12 BY THE MUNICIPALITY AT A RATE NOT TO EXCEED TEN PER CENT PER
13 ANNUM SHALL BE COLLECTIBLE ON [ALL] THE FACE AND PENALTY AMOUNT
14 OF BOTH TAXES AND MUNICIPAL CLAIMS FROM THE DATE [OF THE
15 COMPLETION OF THE WORK AFTER IT IS FILED AS A LIEN, AND ON
16 CLAIMS FOR TAXES, WATER RENTS OR RATES, LIGHTING RATES, OR SEWER
17 RATES FROM THE DATE OF THE FILING OF THE LIEN THEREFOR] ON WHICH
18 THE TAXES OR MUNICIPAL CLAIMS BECOME DELINQUENT OR FOR COUNTY
19 TAXES IN COUNTIES OF THE SECOND CLASS, AS OTHERWISE PROVIDED BY
20 LAW: PROVIDED, HOWEVER, THAT AFTER THE EFFECTIVE DATE OF THIS
21 AMENDATORY ACT WHERE MUNICIPAL CLAIMS ARE FILED ARISING OUT OF A
22 MUNICIPAL PROJECT WHICH REQUIRED THE MUNICIPALITY TO ISSUE BONDS
23 TO FINANCE THE PROJECT INTEREST SHALL BE COLLECTIBLE ON SUCH
24 CLAIMS AT THE RATE OF INTEREST OF THE BOND ISSUE OR AT THE RATE
25 OF TWELVE PER CENT PER ANNUM, WHICHEVER IS LESS. WHERE THE
26 PROVISIONS OF ANY OTHER ACT RELATING TO CLAIMS FOR TAXES, WATER
27 RENTS OR RATES, LIGHTING RATES, POWER RATES, SEWER RENTS OR
28 RATES OR FOR ANY OTHER TYPE OF MUNICIPAL CLAIM OR LIEN UTILIZES
29 THE PROCEDURES PROVIDED IN THIS ACT AND WHERE THE PROVISIONS OF
30 SUCH OTHER ACT ESTABLISHES A DIFFERENT RATE OF INTEREST FOR SUCH

1 CLAIMS OR LIENS, THE MAXIMUM RATE OF INTEREST OF TEN PER CENT
2 PER ANNUM AS PROVIDED FOR IN THIS SECTION SHALL BE APPLICABLE TO
3 THE CLAIMS AND LIENS PROVIDED FOR UNDER SUCH OTHER ACTS:
4 PROVIDED, HOWEVER, THAT AFTER THE EFFECTIVE DATE OF THIS
5 AMENDATORY ACT WHERE MUNICIPAL CLAIMS ARE FILED ARISING OUT OF A
6 MUNICIPAL PROJECT WHICH REQUIRED THE MUNICIPALITY TO ISSUE BONDS
7 TO FINANCE THE PROJECT INTEREST SHALL BE COLLECTIBLE ON SUCH
8 CLAIMS AT THE RATE OF INTEREST OF THE BOND ISSUE OR AT THE RATE
9 OF TWELVE PER CENT PER ANNUM, WHICHEVER IS LESS.

10 CLAIMS FOR TAXES, WATER RENTS, OR RATES, LIGHTING RATES,
11 POWER RATES AND SEWER RATES MAY BE IN THE FORM OF WRITTEN OR
12 TYPEWRITTEN LISTS SHOWING THE NAMES OF THE TAXABLES, INCLUDING
13 THE NAME AND LAST KNOWN ADDRESS, WITH ITS ZIP CODE, OF THE OWNER
14 OF EACH PROPERTY AGAINST WHICH A CLAIM IS BEING FILED, AND
15 DESCRIPTIONS OF THE PROPERTIES AGAINST WHICH THE CLAIMS ARE
16 FILED, TOGETHER WITH THE AMOUNT OF THE TAXES DUE SUCH
17 MUNICIPALITY. SUCH LISTS MAY BE FILED ON BEHALF OF A SINGLE
18 MUNICIPALITY, OR THEY MAY COVER THE UNPAID TAXES DUE ANY TWO OR
19 MORE MUNICIPALITIES WHOSE TAXES ARE COLLECTED BY THE SAME TAX
20 COLLECTOR, PROVIDED THE AMOUNTS DUE EACH MUNICIPALITY ARE
21 SEPARATELY SHOWN. ALL TAX CLAIMS, WATER RENTS, OR RATES,
22 LIGHTING RATES, POWER RATES AND SEWER RATES, HERETOFORE FILED IN
23 SUCH FORM, ARE HEREBY RATIFIED, CONFIRMED AND MADE VALID
24 SUBSISTING LIENS AS OF THE DATE OF THEIR ORIGINAL FILING.

25 A NUMBER OF YEARS' TAXES OR RATES OF DIFFERENT KINDS, IF
26 PAYABLE TO THE SAME PLAINTIFF, MAY BE INCLUDED IN ONE CLAIM.
27 MUNICIPAL CLAIMS SHALL LIKEWISE BE FILED WITHIN SAID PERIOD,
28 WHERE ANY APPEAL IS TAKEN FROM THE ASSESSMENT FOR THE RECOVERY
29 OF WHICH SUCH MUNICIPAL CLAIM IS FILED. IN SUCH CASE THE LIEN
30 FILED SHALL BE IN THE FORM HEREINAFTER PROVIDED, EXCEPT THAT IT

1 SHALL SET FORTH THE AMOUNT OF THE CLAIM AS AN UNDETERMINED
2 AMOUNT, THE AMOUNT THEREOF TO BE DETERMINED BY THE APPEAL TAKEN
3 FROM THE ASSESSMENT UPON WHICH SUCH MUNICIPAL CLAIM IS BASED,
4 PENDING IN A CERTAIN COURT (REFERRING TO THE COURT AND THE
5 PROCEEDING WHERE SUCH APPEAL IS PENDING). UPON THE FILING OF
6 SUCH MUNICIPAL CLAIM, THE CLAIM SHALL BE INDEXED BY THE
7 PROTHONOTARY UPON THE JUDGMENT INDEX AND UPON THE LOCALITY INDEX
8 OF THE COURT, AND THE AMOUNT OF THE CLAIM SET FORTH THEREIN AS
9 AN UNDETERMINED AMOUNT.

10 IF FINAL JUDGMENT IS NOT OBTAINED UPON SUCH APPEAL WITHIN
11 TWENTY YEARS FROM THE FILING OF SUCH MUNICIPAL CLAIM, THE
12 CLAIMANT IN THE LIEN SHALL, WITHIN SUCH PERIOD OF TWENTY YEARS,
13 FILE A SUGGESTION OF NONPAYMENT, IN THE FORM HEREINAFTER SET
14 FORTH, WHICH SHALL HAVE THE EFFECT OF CONTINUING THE LIEN
15 THEREOF FOR A FURTHER PERIOD OF TWENTY YEARS FROM THE DATE OF
16 FILING SUCH SUGGESTION, EXCEPT THAT WITH RESPECT TO CLAIMS FOR
17 TAXES AND OTHER MUNICIPAL CLAIMS, IN CITIES AND SCHOOL DISTRICTS
18 OF THE FIRST CLASS, IF FINAL JUDGMENT IS NOT OBTAINED UPON SUCH
19 APPEAL WITHIN TWENTY YEARS FROM THE FILING OF SUCH MUNICIPAL
20 CLAIMS, THE CLAIMANT IN THE LIEN SHALL, WITHIN SUCH PERIOD OF
21 TWENTY YEARS, FILE A SUGGESTION OF NONPAYMENT IN THE PRESCRIBED
22 FORM WHICH SHALL HAVE THE EFFECT OF CONTINUING THE LIEN THEREOF
23 FOR A FURTHER PERIOD OF TWENTY YEARS FROM THE DATE OF FILING
24 SUCH SUGGESTION. SUCH MUNICIPAL CLAIM SHALL BE REVIVED IN A
25 SIMILAR MANNER DURING EACH RECURRING PERIOD OF TWENTY YEARS
26 THEREAFTER, UNTIL FINAL JUDGMENT IS ENTERED UPON SAID APPEAL AND
27 THE UNDETERMINED AMOUNT OF SUCH MUNICIPAL CLAIM IS FIXED IN THE
28 MANNER HEREINAFTER PROVIDED, EXCEPT THAT WITH RESPECT TO CLAIMS
29 FOR TAXES AND OTHER MUNICIPAL CLAIMS, IN CITIES AND SCHOOL
30 DISTRICTS OF THE FIRST CLASS, SUCH MUNICIPAL CLAIMS SHALL BE

1 REVIVED IN A SIMILAR MANNER DURING EACH RECURRING PERIOD OF
2 TWENTY YEARS THEREAFTER UNTIL FINAL JUDGMENT IS ENTERED UPON
3 SAID APPEAL AND THE UNDETERMINED AMOUNT OF SUCH MUNICIPAL CLAIM
4 IS FIXED IN THE MANNER HEREINAFTER PROVIDED.

5 WHEN THE FINAL JUDGMENT IS OBTAINED UPON SUCH APPEAL, THE
6 COURT IN WHICH SAID MUNICIPAL CLAIM IS PENDING SHALL, UPON THE
7 PETITION OF ANY INTERESTED PARTY, MAKE AN ORDER FIXING THE
8 UNDETERMINED AMOUNT CLAIMED IN SUCH CLAIM AT THE AMOUNT
9 DETERMINED BY THE FINAL JUDGMENT UPON SAID APPEAL, WHICH SHALL
10 BEAR INTEREST FROM THE DATE OF THE VERDICT UPON WHICH FINAL
11 JUDGMENT WAS ENTERED, AND THEREAFTER THE AMOUNT OF SAID CLAIM
12 SHALL BE THE SUM THUS FIXED. PROCEEDINGS UPON SAID MUNICIPAL
13 CLAIM THEREAFTER SHALL BE AS IN OTHER CASES.

14 WHERE, ON FINAL JUDGMENT UPON SAID APPEAL, IT APPEARS THAT NO
15 AMOUNT IS DUE UPON THE ASSESSMENT FOR THE RECOVERY OF WHICH SUCH
16 CLAIM IS FILED, THE COURT IN WHICH SUCH MUNICIPAL CLAIM IS
17 PENDING SHALL, UPON THE PETITION OF ANY INTERESTED PARTY, MAKE
18 AN ORDER STRIKING SUCH MUNICIPAL CLAIM FROM THE RECORD, AND
19 CHARGE THE COSTS UPON SUCH CLAIM TO THE PLAINTIFF IN THE CLAIM
20 FILED.

21 WHERE SUCH APPEAL IS DISCONTINUED, THE COURT IN WHICH SUCH
22 MUNICIPAL CLAIM IS PENDING SHALL, UPON THE PETITION OF ANY
23 INTERESTED PARTY, MAKE AN ORDER FIXING THE UNDETERMINED AMOUNT
24 CLAIMED AT THE AMOUNT OF THE ORIGINAL ASSESSMENT, WHICH SHALL
25 BEAR INTEREST FROM THE DATE THAT SUCH ASSESSMENT WAS ORIGINALLY
26 PAYABLE, AND THEREAFTER THE AMOUNT OF SUCH CLAIM SHALL BE THE
27 SUM THUS FIXED.

28 IN COUNTIES OF THE SECOND CLASS AND MUNICIPALITIES THEREIN,
29 INTEREST AT THE APPLICABLE PER ANNUM RATE SHALL ACCRUE MONTHLY
30 ON ALL TAXES, TAX CLAIMS AND MUNICIPAL CLAIMS ON THE FIRST DAY

1 OF THE MONTH FOR THE ENTIRE MONTH, OR PART THEREOF, IN WHICH THE
2 TAXES, TAX CLAIMS OR MUNICIPAL CLAIMS ARE PAID. INTEREST SHALL
3 NOT BE PAID ON A PER DIEM BASIS. IN COUNTIES OF THE SECOND
4 CLASS, ALL COUNTY TAXES AFTER THE SAME BECOME DELINQUENT, AS
5 PROVIDED BY LAW, SHALL INCLUDE A PENALTY OF FIVE PER CENTUM FOR
6 SUCH DELINQUENCY.

7 IN COUNTIES OF THE SECOND CLASS, TAXES AND TAX CLAIMS, WHEN
8 COLLECTED, SHALL BE PAID INTO THE COUNTY TREASURY FOR THE USE OF
9 THE COUNTY UNLESS THE TAXES AND TAX CLAIMS ARE ASSIGNED, IN
10 WHICH EVENT THERE IS NO REQUIREMENT THAT THE TAXES AND TAX
11 CLAIMS COLLECTED BY THE ASSIGNEE BE PAID INTO THE COUNTY
12 TREASURY.

13 IN COUNTIES OF THE SECOND CLASS, THE COUNTY SHALL NOT BE
14 REQUIRED TO ADVANCE OR PAY ANY FEE TO THE PROTHONOTARY FOR THE
15 FILING OF PAPER OR ELECTRONIC FILING OR PERFORMING ANY SERVICES
16 FOR THE SECOND CLASS COUNTY RELATING TO THE FILING,
17 SATISFACTION, ASSIGNMENT, TRANSFER, REVIVAL, AMENDMENT,
18 ENFORCEMENT AND COLLECTION OF TAXES, TAX CLAIMS AND TAX LIENS.
19 THE PROTHONOTARY SHALL ACCEPT FILINGS BY OR ON BEHALF OF THE
20 SECOND CLASS COUNTY RELATING TO THE TAXES, TAX CLAIMS AND TAX
21 LIENS AND NOTE THE COST FOR SUCH SERVICE PERFORMED ON THE
22 DOCKET, AND THE SECOND CLASS COUNTY, ITS EMPLOYEES,
23 REPRESENTATIVES, AGENTS AND ASSIGNS SHALL THEREAFTER COLLECT
24 SUCH FEE AS A COST AS PART OF THE TAXES, TAX CLAIMS AND TAX
25 LIENS.

26 SECTION 4. SECTIONS 14 AND 18 OF THE ACT ARE AMENDED TO
27 READ:

28 SECTION 14. ANY DEFENDANT NAMED IN THE CLAIM, OR ANY PERSON
29 ALLOWED TO INTERVENE AND DEFEND [THEREAGAINST] THERE AGAINST,
30 MAY, AT ANY STAGE OF THE PROCEEDINGS, PRESENT HIS PETITION,

1 UNDER OATH OR AFFIRMATION, SETTING FORTH THAT HE HAS A DEFENSE
2 IN WHOLE OR IN PART THERETO, AND OF WHAT IT CONSISTS; AND
3 PRAYING THAT A RULE BE GRANTED UPON THE CLAIMANT TO FILE AN
4 AFFIDAVIT OF THE AMOUNT CLAIMED BY HIM, AND TO SHOW CAUSE WHY
5 THE PETITIONER SHOULD NOT HAVE LEAVE TO PAY MONEY INTO COURT;
6 AND, IN THE CASE OF A MUNICIPAL CLAIM, TO ENTER SECURITY IN LIEU
7 OF THE CLAIM; WHEREUPON A RULE SHALL BE GRANTED AS PRAYED FOR.
8 UPON THE PLEADINGS FILED, OR FROM THE CLAIM AND THE AFFIDAVIT OF
9 DEFENSE, AND WITHOUT A PETITION WHERE AN AFFIDAVIT OF DEFENSE
10 HAS BEEN FILED, THE COURT SHALL DETERMINE HOW MUCH OF THE CLAIM
11 IS ADMITTED OR NOT SUFFICIENTLY DENIED; AND SHALL ENTER A DECREE
12 THAT UPON PAYMENT BY SUCH PETITIONER TO THE CLAIMANT OF THE
13 AMOUNT THUS FOUND TO BE DUE, WITH INTEREST AND COSTS IF ANYTHING
14 BE FOUND TO BE DUE, OR UPON PAYMENT INTO COURT, IF THE CLAIMANT
15 REFUSES TO ACCEPT THE SAME, AND UPON PAYMENT INTO COURT OF A SUM
16 SUFFICIENT TO COVER THE BALANCE CLAIMED, WITH INTEREST AND
17 COSTS, OR UPON THE ENTRY OF APPROVED SECURITY IN THE CASE OF A
18 MUNICIPAL CLAIM, THAT SUCH CLAIM SHALL BE WHOLLY DISCHARGED AS A
19 LIEN AGAINST THE PROPERTY DESCRIBED THEREIN, AND SHALL BE
20 STRICKEN FROM THE JUDGMENT INDEX. THEREAFTER THE MATERIAL,
21 DISPUTED FACTS, IF ANY, [SHALL] MAY BE TRIED BY A JURY OR THE
22 COURT, WITHOUT FURTHER PLEADINGS, WITH THE SAME EFFECT AS IF A
23 WRIT OF SCIRE FACIAS HAD DULY ISSUED UPON SAID CLAIM, TO RECOVER
24 THE BALANCE THEREOF; BUT THE JURY OR THE COURT SHALL BE SWORN TO
25 TRY THE ISSUES BETWEEN THE CLAIMANT AND THE PARTIES WHO PAID THE
26 FUND INTO COURT OR ENTERED SECURITY, AND VERDICT, JUDGMENT AND
27 PAYMENT, OR EXECUTION, SHALL FOLLOW AS IN OTHER CASES. THE SAME
28 COURSE MAY BE PURSUED, AT THE INSTANCE OF ANY OWNER, WHERE THE
29 CLAIM HAS NOT IN FACT BEEN FILED, AND IF, IN THAT EVENT, THE
30 PETITIONER COMPLIES WITH THE DECREE MADE, THE MONEY PAID INTO

1 COURT OR SECURITY ENTERED SHALL STAND IN LIEU OF THE CLAIM AND
2 THE LATTER SHALL NOT BE FILED, AND IF FILED SHALL BE STRICKEN
3 OFF UPON MOTION.

4 SECTION 18. THE SHERIFF TO WHOM THE SCIRE FACIAS IS GIVEN
5 FOR SERVICE SHALL ADD TO THE WRIT, AS PARTIES DEFENDANT, ALL
6 PERSONS, OTHER THAN THOSE NAMED THEREIN, WHO MAY BE FOUND IN
7 POSSESSION OF THE PROPERTY DESCRIBED, OR ANY PART THEREOF, AND
8 IN CASE NO ONE IS FOUND IN POSSESSION BY THE SHERIFF HE SHALL
9 POST A TRUE COPY OF THE WRIT ON THE MOST PUBLIC PART OF SAID
10 PROPERTY; AND HE SHALL ADD TO THE SAID WRIT THE NAMES OF ANY
11 PERSONS, NOT ALREADY NAMED THEREIN, WHOM HE MAY ASCERTAIN TO
12 HAVE AN INTEREST IN THE PROPERTY DESCRIBED, OR ANY PART THEREOF,
13 WHICH WRIT SHALL THEN BE FURTHER SERVED AS FOLLOWS:

14 (A) BY SERVING, AS IN THE CASE OF A SUMMONS, SUCH OF THOSE
15 NAMED IN THE WRIT, OR ADDED THERETO, AS MAY BE FOUND IN THE
16 COUNTY IN WHICH THE WRIT ISSUED; AND,

17 (B) WHERE THE SHERIFF HAS INFORMATION THAT THOSE NAMED IN
18 THE WRIT, OR ADDED THERETO, OR ANY OF THEM, MAY BE FOUND IN ANY
19 OTHER COUNTY OF THIS COMMONWEALTH, THE SAID PERSON SHALL BE
20 SERVED, AS IN THE CASE OF A SUMMONS, BY THE SHERIFF OF THE
21 COUNTY IN WHICH THE SAID DEFENDANTS OR ANY OF THEM MAY RESIDE,
22 HE BEING DEPUTIZED FOR THAT PURPOSE BY THE SHERIFF OF THE COUNTY
23 IN WHICH THE WRIT ISSUES; AND,

24 (C) (1) (I) IN CASE ANY OF THOSE NAMED IN THE WRIT, OR
25 ADDED THERETO, CANNOT BE FOUND BY THE SHERIFF, OR THEIR
26 RESIDENCES WITHIN THIS COMMONWEALTH ARE UNKNOWN TO HIM, OR IN
27 CASE THEY RESIDE WITHOUT THE COMMONWEALTH OR ARE DECEASED, THE
28 SAID WRIT [MAY] SHALL BE SERVED [BY ADVERTISING A COPY THEREOF,
29 OR A BRIEF NOTICE OF THE CONTENTS OF THE SAME, ONCE A WEEK FOR
30 THREE SUCCESSIVE WEEKS, IN ONE NEWSPAPER OF GENERAL CIRCULATION

1 IN THE COUNTY, AND IN THE LEGAL PERIODICAL, IF ANY, DESIGNATED
2 BY THE COURT FOR THAT PURPOSE: PROVIDED, HOWEVER, THAT ANY
3 DEFENDANT MAY ACCEPT SERVICE OF SAID WRIT, IN PERSON OR BY
4 COUNSEL, WITH THE SAME EFFECT AS IF DULY SERVED THEREWITH BY THE
5 SHERIFF.] IN ACCORDANCE WITH THE PENNSYLVANIA RULES OF CIVIL
6 PROCEDURE FOR SERVICE IN REAL PROPERTY ACTIONS.

7 (II) NOTWITHSTANDING SUBCLAUSE (I), ANY DEFENDANT MAY ACCEPT
8 SERVICE OF SAID WRIT, IN PERSON OR BY COUNSEL, WITH THE SAME
9 EFFECT AS IF DULY SERVED THEREWITH BY THE SHERIFF.

10 (2) WHERE THE SAID WRIT[, OR THE BRIEF NOTICE OF THE
11 CONTENTS THEREOF, HAVE BEEN ADVERTISED AS AFORESAID, THE SAME
12 SHALL HAVE THE SAME EFFECT AS IF THE WRIT HAD BEEN PERSONALLY
13 SERVED; AND ALL THOSE NAMED THEREIN, OR ADDED THERETO, AS TO
14 WHOM PUBLICATION HAS BEEN MADE, SHALL FILE THEIR AFFIDAVIT OF
15 DEFENSE, AS REQUIRED BY THE SAID WRIT, WITHIN FIFTEEN DAYS AFTER
16 THE DATE OF THE LAST WEEKLY ADVERTISEMENT OF THE SAID WRIT;] HAS
17 BEEN SERVED UNDER SUBSECTION (C)(1)(I), THE SERVICE SHALL HAVE
18 THE SAME EFFECT AS IF THE WRIT HAD BEEN PERSONALLY SERVED; AND
19 ALL THOSE NAMED THEREIN, OR ADDED THERETO, SHALL FILE THEIR
20 AFFIDAVIT OF DEFENSE, AS REQUIRED BY THE SAID WRIT, WITHIN
21 FIFTEEN DAYS AFTER THE DATE OF SERVICE OF THE SAID WRIT; AND ALL
22 THOSE NAMED THEREIN OR ADDED THERETO, WHO HAVE BEEN SERVED AS IN
23 CASE OF A SUMMONS, SHALL FILE THEIR AFFIDAVIT OF DEFENSE, AS
24 REQUIRED BY SAID WRIT, WITHIN FIFTEEN DAYS AFTER SUCH SERVICE.
25 SERVICE OF ANY SUCH WRIT MAY BE MADE AT ANY TIME WITHIN THREE
26 MONTHS FROM THE DATE ON WHICH IT WAS ISSUED, BUT IT SHALL BE
27 SERVED AND RETURNED AT THE EARLIEST DATE POSSIBLE, AND THE
28 PLAINTIFF MAY REQUIRE ITS RETURN AT ANY TIME, WHETHER OR NOT IT
29 BE ACTUALLY SERVED.

30 SECTION 5. SECTION 26 OF THE ACT, AMENDED FEBRUARY 21, 2006

1 (P.L.46, NO.18), IS AMENDED TO READ:

2 SECTION 26. (A) IT SHALL BE THE DUTY OF THE PROTHONOTARIES
3 OF THE COURTS OF COMMON PLEAS TO KEEP A LOCALITY INDEX, IN WHICH
4 SHALL BE ENTERED ALL TAX OR MUNICIPAL CLAIMS HEREAFTER FILED,
5 AND, UPON ANY WRITTEN ORDER THEREFOR, THEY SHALL GIVE A
6 CERTIFICATE OF SEARCH, SHOWING ALL THE CLAIMS FILED AGAINST ANY
7 PROPERTY. FOR SO DOING THEY SHALL RECEIVE THE SUM OF TWENTY-FIVE
8 CENTS, AND FIVE CENTS ADDITIONAL FOR EACH CLAIM CERTIFIED, AND
9 NO MORE.

10 [(B) (1) IN ADDITION TO THE REQUIREMENTS OF SUBSECTION (A),
11 THE DEPARTMENT OR PUBLIC OFFICIAL RESPONSIBLE FOR COLLECTION OF
12 DELINQUENT TAXES IN A CITY OF THE FIRST CLASS OR OTHER
13 MUNICIPALITY THAT UTILIZES THIS ACT FOR THE COLLECTION OF
14 DELINQUENT TAXES, AND THE COUNTY TREASURER IN A COUNTY OF THE
15 SECOND CLASS, SHALL MAINTAIN AS A PUBLIC RECORD A LIST OF ALL
16 PROPERTIES AGAINST WHICH TAXES WERE LEVIED, THE WHOLE OR ANY
17 PART OF WHICH WERE DUE AND PAYABLE IN A PRIOR YEAR AND WHICH
18 REMAIN UNPAID. THIS LIST SHALL DESCRIBE THE PROPERTY AND
19 IDENTIFY ITS LOCATION, PROVIDE THE NAME AND LAST KNOWN ADDRESS,
20 INCLUDING THE ZIP CODE, OF THE OWNER OF THE PROPERTY AND THE
21 AMOUNT OF UNPAID TAXES, PENALTIES AND INTEREST DUE, FOR ALL
22 YEARS OTHER THAN THE CURRENT TAX YEAR. IF TAXES ON THE LIST ARE
23 PAID OR ANOTHER SETTLEMENT HAD BEEN AGREED TO OR IF A TAX SALE
24 OF THE PROPERTY IS HELD, THIS FACT SHALL BE NOTED ON THE LIST.

25 (2) IN ADDITION TO THE REQUIREMENTS OF SUBSECTION (A), THE
26 DEPARTMENT OR PUBLIC OFFICIAL RESPONSIBLE FOR COLLECTION OF
27 DELINQUENT TAXES MAY REPORT ANY NONPAYMENT OF TAXES, INCLUDING
28 LIENS, TO ONE OR MORE CONSUMER REPORTING AGENCIES, AS DEFINED BY
29 THE FAIR CREDIT REPORTING ACT (PUBLIC LAW 91-508, 15 U.S.C. §
30 1681 ET SEQ.).]

1 (B) (1) EXCEPT IN CITIES OF THE FIRST CLASS AND COUNTIES OF
2 THE SECOND CLASS, IN ADDITION TO THE REQUIREMENTS OF SUBSECTION
3 (A) EACH COUNTY SHALL DESIGNATE AN OFFICE OR DEPARTMENT TO
4 MAINTAIN A PUBLIC RECORD, BY PAPER LISTS AND ELECTRONICALLY,
5 WITH RESPECT TO DELINQUENT TAXES. THE RECORD SHALL BE CONSIDERED
6 TO BE A PUBLIC RECORD UNDER THE ACT OF JUNE 21, 1957 (P.L.390,
7 NO.212), REFERRED TO AS THE RIGHT-TO-KNOW LAW, BUT SHALL NOT BE
8 CONSIDERED A CERTIFICATION OF DELINQUENT TAXES DUE OR PAID.

9 (2) ANY MUNICIPALITY THAT UTILIZES THIS ACT FOR THE
10 COLLECTION OF DELINQUENT TAXES IN LIEU OF THE ACT OF JULY 7,
11 1947 (P.L.1368, NO.542), KNOWN AS THE "REAL ESTATE TAX SALE
12 LAW," SHALL ANNUALLY PREPARE A LIST OF ALL PROPERTIES AGAINST
13 WHICH TAXES WERE DUE AND PAYABLE IN THE PRIOR YEAR AND WHICH
14 REMAIN UNPAID. THE LIST SHALL BE GIVEN UPON COMPLETION BY THE
15 MUNICIPALITY ON OR BEFORE THE LAST DAY OF APRIL EACH YEAR BUT NO
16 EARLIER THAN THE FIRST DAY OF JANUARY OF THAT YEAR TO THE OFFICE
17 OR DEPARTMENT DESIGNATED BY THE COUNTY UNDER CLAUSE (1) TO BE
18 MAINTAINED AS A PUBLIC RECORD. THE LIST SHALL NOT BE DEEMED A
19 RETURN UNDER THE "REAL ESTATE TAX SALE LAW." IF A MUNICIPALITY
20 HAS PREVIOUSLY FILED A RETURN OF THE SAME DELINQUENT TAXES WITH
21 THE COUNTY TAX CLAIM BUREAU UNDER THE "REAL ESTATE TAX SALE
22 LAW," IT SHALL BE EXEMPT FROM FILING THE LIST REQUIRED UNDER
23 THIS SUBSECTION. THE LIST SHALL INCLUDE ALL OF THE FOLLOWING FOR
24 EACH PROPERTY:

25 (I) THE ADDRESS AND PARCEL IDENTIFICATION NUMBER OR TAX
26 PARCEL NUMBER.

27 (II) THE OWNER'S NAME.

28 (III) THE LAST KNOWN ADDRESS, INCLUDING THE ZIP CODE OF THE
29 OWNER, IF AVAILABLE.

30 (IV) THE YEAR THE TAX BECAME DUE.

1 (V) THE FACE AMOUNT OF THE TAX.

2 (VI) THE NAME AND CONTACT INFORMATION FOR THE ENTITY
3 RESPONSIBLE TO COLLECT THE DELINQUENT TAX.

4 (3) WITHIN FORTY-FIVE DAYS AFTER RECEIPT OF PAYMENT IN FULL
5 OF ANY DELINQUENT TAX CLAIM, THE MUNICIPALITY SHALL NOTIFY THE
6 OFFICE OR DEPARTMENT DESIGNATED BY THE COUNTY UNDER CLAUSE (1)
7 THAT THE TAX HAS BEEN PAID.

8 (4) THE OFFICE OR DEPARTMENT DESIGNATED BY THE COUNTY UNDER
9 CLAUSE (1), UPON REQUEST OF ANY PERSON OR ENTITY, SHALL ISSUE
10 CERTIFICATIONS OF DELINQUENT TAXES PAID. A FEE NOT TO EXCEED TEN
11 DOLLARS PER TAX YEAR MAY BE CHARGED TO THE PERSON OR ENTITY
12 REQUESTING THE CERTIFICATION. A CERTIFICATION UNDER THIS
13 SUBSECTION SHALL BE BINDING UPON THE MUNICIPALITY TO WHICH THE
14 DELINQUENT TAX IS DUE. EXCEPT AS PROVIDED UNDER CLAUSE (5), IF
15 THE CERTIFICATION ERRONEOUSLY LISTS A DELINQUENT TAX AS PAID AND
16 IS RELIED UPON BY A BONA FIDE PURCHASER, LESSEE OR MORTGAGEE WHO
17 ACQUIRES FOR VALUABLE CONSIDERATION AN INTEREST IN REAL ESTATE
18 COVERED BY A TAX CERTIFICATION, THE MUNICIPALITY SHALL BE
19 ESTOPPED FROM ASSERTING A TAX LIEN FOR THE TAXES COVERED BY THE
20 CERTIFICATION AGAINST THE REAL ESTATE THAT HAS BEEN TRANSFERRED.
21 THE MUNICIPALITY SHALL RETAIN A CAUSE OF ACTION IN ASSUMPSIT TO
22 RECOVER THE DELINQUENT TAX DUE IN ACCORDANCE WITH THE APPLICABLE
23 LAW.

24 (5) NOTHING IN THIS SECTION SHALL AFFECT THE REQUIREMENT TO
25 FILE TAX CLAIMS FOR DELINQUENT TAXES WITH THE PROTHONOTARIES OF
26 THE SEVERAL COUNTIES IN THIS COMMONWEALTH IN ACCORDANCE WITH
27 THIS ACT AND ALL OTHER APPLICABLE LAWS. A TAX CLAIM FILED WITH
28 THE PROTHONOTARY SHALL REMAIN OPEN AND UNSATISFIED UNTIL THE
29 DELINQUENT TAXES WHICH ARE THE SUBJECT OF THE TAX CLAIM ARE PAID
30 OR OTHERWISE DISCHARGED OR SATISFIED AS PROVIDED BY LAW.

1 NOTWITHSTANDING THE REQUIREMENTS OF CLAUSE (4) AN ERRONEOUS
2 CERTIFICATION THAT DELINQUENT TAXES ARE PAID SHALL NOT BE
3 BINDING UPON A MUNICIPALITY IF A TAX CLAIM RELATED TO THE
4 DELINQUENT TAXES REMAINS OPEN AND UNSATISFIED ON THE
5 PROTHONOTARY'S DOCKET AT THE TIME THAT THE CERTIFICATION IS
6 ISSUED.

7 (6) IN THE EVENT THAT THE RECORDS OF THE OFFICE OR
8 DEPARTMENT DESIGNATED BY THE COUNTY UNDER CLAUSE (1) DO NOT
9 INDICATE THAT DELINQUENT TAXES ARE PAID OR IF A TAX CLAIM
10 REMAINS OPEN AND UNSATISFIED IN THE PROTHONOTARY'S DOCKET, A
11 CERTIFICATION OF DELINQUENT TAXES DUE SHALL BE ISSUED BY OR ON
12 BEHALF OF THE MUNICIPALITY. THE CERTIFICATION OF DELINQUENT
13 TAXES DUE SHALL SPECIFY THE AMOUNT DUE AND OWING THROUGH A DATE
14 CERTAIN AND SHALL PROVIDE AN AMOUNT TO SATISFY ANY TAX CLAIM
15 FILED FOR THE DELINQUENT TAXES. THE FEE FOR A CERTIFICATION OF
16 TAXES DUE SHALL BE THE SAME AS THE FEE ESTABLISHED UNDER CLAUSE
17 (4) AND SHALL BE CHARGEABLE BY OR ON BEHALF OF THE MUNICIPALITY
18 TO THE PERSON OR ENTITY REQUESTING THE CERTIFICATION. IF THE
19 CERTIFIED BALANCE DUE THROUGH THE DATE PROVIDED ON THE
20 CERTIFICATION IS TIMELY PAID, THE DELINQUENT TAXES AND TAX
21 CLAIMS RELATING TO THE DELINQUENT TAXES SHALL BE SATISFIED. IF A
22 CERTIFICATION ERRONEOUSLY STATES THE BALANCE DUE AND IS RELIED
23 UPON BY A BONA FIDE PURCHASER, LESSEE OR MORTGAGEE WHO ACQUIRES
24 FOR VALUABLE CONSIDERATION AN INTEREST IN REAL ESTATE COVERED BY
25 A TAX CERTIFICATION, THE MUNICIPALITY SHALL BE ESTOPPED FROM
26 ASSERTING A TAX LIEN FOR THE TAXES COVERED BY THE CERTIFICATION
27 AGAINST THE REAL ESTATE THAT HAS BEEN TRANSFERRED. THE
28 MUNICIPALITY SHALL RETAIN A CAUSE OF ACTION IN ASSUMPSIT TO
29 RECOVER THE DELINQUENT TAXES DUE IN ACCORDANCE WITH APPLICABLE
30 LAW. WITHIN FORTY-FIVE DAYS AFTER RECEIPT OF PAYMENT IN FULL OF

1 ANY DELINQUENT TAX CLAIM, THE MUNICIPALITY OR ITS AGENT SHALL
2 SATISFY THE LIEN FILED WITH THE PROTHONOTARY'S OFFICE.

3 (C) IN ADDITION TO THE REQUIREMENTS OF SUBSECTION (A), ANY
4 MUNICIPALITY THAT UTILIZES THIS ACT FOR THE COLLECTION OF
5 DELINQUENT TAXES MAY REPORT ANY NONPAYMENT OF TAXES, INCLUDING
6 LIENS, TO ONE OR MORE CONSUMER REPORTING AGENCIES, AS DEFINED BY
7 THE FAIR CREDIT REPORTING ACT (PUBLIC LAW 91-508, 15 U.S.C. §
8 1681 ET SEQ.).

9 (D) EXCEPT IN CITIES OF THE FIRST CLASS, COUNTIES OF THE
10 SECOND CLASS AND MUNICIPALITIES IN COUNTIES OF THE SECOND CLASS,
11 ANY CERTIFICATION ISSUED UNDER SUBSECTION (B)(4) AND (6) SHALL
12 BE SUBJECT TO THE TIME LIMITATIONS SET FORTH UNDER SECTION 3.4
13 AND THE APPEAL PROCEDURES SET FORTH UNDER SECTION 3.5 OF THE ACT
14 OF JUNE 21, 1957 (P.L.390, NO.212), REFERRED TO AS THE RIGHT-TO-
15 KNOW LAW.

16 SECTION 6. SECTION 31 OF THE ACT, AMENDED NOVEMBER 29, 2004
17 (P.L.1299, NO.163), IS AMENDED TO READ:

18 SECTION 31. THE LIEN OF A TAX OR A MUNICIPAL CLAIM SHALL NOT
19 BE DIVESTED BY ANY JUDICIAL SALE OF THE PROPERTY LIENED, WHERE
20 THE AMOUNT DUE IS INDEFINITE OR UNDETERMINED, OR WHERE THE SAME
21 IS NOT DUE AND PAYABLE; NOR SHALL THE LIEN OF A TAX OR MUNICIPAL
22 CLAIM BE DIVESTED BY ANY JUDICIAL SALE OF THE PROPERTY LIENED,
23 AS RESPECTS SO MUCH THEREOF AS THE PROCEEDS OF SUCH SALE MAY BE
24 INSUFFICIENT TO DISCHARGE; NOR, EXCEPT AS HEREINAFTER PROVIDED,
25 SHALL A JUDICIAL SALE OF THE PROPERTY LIENED, UNDER A JUDGMENT
26 OBTAINED ON A TAX OR MUNICIPAL CLAIM, DISCHARGE THE LIEN OF ANY
27 OTHER TAX OR MUNICIPAL CLAIM THAN THAT UPON WHICH SAID SALE IS
28 HAD, EXCEPT TO THE EXTENT THAT THE PROCEEDS REALIZED ARE
29 SUFFICIENT FOR ITS PAYMENT, OBTAINED ON A TAX OR MUNICIPAL
30 CLAIM, DISCHARGE THE LIEN OF ANY OTHER TAX OR MUNICIPAL CLAIM

1 THAN THAT UPON WHICH SAID SALE IS HAD, EXCEPT TO THE EXTENT THAT
2 THE PROCEEDS REALIZED ARE SUFFICIENT FOR ITS PAYMENT, AFTER
3 PAYING THE COSTS, CHARGES AND FEES, INCLUDING REASONABLE
4 ATTORNEY FEES, EXPENSES OF THE SALE, AND OF THE WRIT UPON WHICH
5 IT WAS MADE, AND ANY OTHER PRIOR TAX OR MUNICIPAL CLAIMS TO
6 WHICH THE FUND MAY FIRST BE APPLICABLE. ON ANY SUCH SALE BEING
7 MADE ALL TAX CLAIMS SHALL BE PAID OUT OF THE PROCEEDS THEREOF:
8 FIRST, THE OLDEST TAX HAVING PRIORITY; AND MUNICIPAL CLAIMS
9 SHALL BE PAID NEXT, THE OLDEST IN POINT OF LIEN HAVING PRIORITY.
10 MORTGAGES, GROUND-RENTS, AND OTHER CHARGES ON OR ESTATES IN THE
11 PROPERTY WHICH WERE RECORDED, OR CREATED WHERE RECORDING IS NOT
12 REQUIRED, BEFORE ANY TAX OTHER THAN FOR THE CURRENT YEAR ACCRUE,
13 OR BEFORE THE ACTUAL DOING OF THE WORK IN FRONT OF OR UPON THE
14 PARTICULAR PROPERTY FOR WHICH THE MUNICIPAL CLAIM IS FILED,
15 SHALL NOT BE DISTURBED BY SUCH SALE UNLESS A PRIOR LIEN IS ALSO
16 DISCHARGED THEREBY.

17 IN CASE THE PROPERTY BE NOT SOLD FOR A SUM SUFFICIENT TO PAY
18 ALL TAXES AND MUNICIPAL CLAIMS, TOGETHER WITH THE COSTS THEREON,
19 THE PLAINTIFF IN ANY SUCH CLAIM MAY POSTPONE THE SALE BY
20 ANNOUNCEMENT TO THE ASSEMBLED BIDDERS OR AS MAY OTHERWISE BE
21 PROVIDED BY LOCAL RULE OR CONDITIONS OF SALE, WITHOUT PAYMENT OF
22 COSTS, AND FILE HIS PETITION SETTING FORTH THAT MORE THAN ONE
23 YEAR HAS ELAPSED SINCE THE FILING OF HIS CLAIM; THAT HE HAS
24 EXPOSED THE PROPERTY TO SHERIFF'S SALE THEREUNDER, AND WAS
25 UNABLE TO OBTAIN A BID SUFFICIENT TO PAY THE UPSET PRICE IN
26 FULL; AND, IF THE PLAINTIFF IS NOT A MUNICIPALITY AS DEFINED IN
27 THIS ACT, THAT HE WILL BID SUFFICIENT TO PAY THE UPSET PRICE,
28 AND UPON THE PRODUCTION OF SEARCHES OR A TITLE INSURANCE POLICY
29 SHOWING THE STATE OF THE RECORD AND THE OWNERSHIP OF THE
30 PROPERTY, AND OF ALL TAX AND MUNICIPAL CLAIMS, MORTGAGES,

1 GROUND-RENTS, OR OTHER CHARGES ON OR ESTATES IN THE LAND, THE
2 COURT SHALL GRANT A RULE UPON ALL PARTIES THUS SHOWN TO BE
3 INTERESTED TO APPEAR AND SHOW CAUSE WHY A DECREE SHOULD NOT BE
4 MADE THAT SAID PROPERTY BE SOLD, FREED, AND CLEARED OF THEIR
5 RESPECTIVE CLAIMS, MORTGAGES, CHARGES, AND ESTATES. IF, UPON A
6 HEARING THEREAFTER, THE COURT IS SATISFIED THAT SERVICE HAS BEEN
7 MADE OF SAID RULE UPON THE PARTIES RESPONDENT, IN THE MANNER
8 PROVIDED IN SECTION 39.2, AND THAT THE FACTS STATED IN THE
9 PETITION BE TRUE, IT SHALL ORDER AND DECREE THAT SAID PROPERTY
10 BE SOLD AT A SUBSEQUENT SHERIFF'S SALE DAY, TO BE FIXED BY THE
11 COURT WITHOUT FURTHER ADVERTISEMENT, AND THE COURT MAY FIX A
12 COMMON DATE AND PLACE OF SALE FOR MORE THAN ONE OF SAID
13 PROPERTIES IF IT DEEMS A JOINT SALE TO BE ADVANTAGEOUS. ALL
14 PROPERTY AT SHERIFF'S SALE SHALL BE SOLD, CLEAR OF ALL CLAIMS,
15 LIENS, MORTGAGES, CHARGES, AND ESTATES, TO THE HIGHEST BIDDER AT
16 SUCH SALE; AND THE PROCEEDS REALIZED THEREFROM SHALL BE
17 DISTRIBUTED IN ACCORDANCE WITH THE PRIORITY OF SUCH CLAIMS; AND
18 THE PURCHASER AT SUCH SALE SHALL TAKE, AND FOREVER THEREAFTER
19 HAVE, AN ABSOLUTE TITLE TO THE PROPERTY SOLD, FREE, AND
20 DISCHARGED OF ALL TAX AND MUNICIPAL CLAIMS, LIENS, MORTGAGES,
21 CHARGES, AND ESTATES OF WHATSOEVER KIND, SUBJECT ONLY TO THE
22 RIGHT OF REDEMPTION AS PROVIDED BY LAW. IN COUNTIES OF THE
23 SECOND CLASS, UPON RETURN OF THE WRIT UPON WHICH THE SALE WAS
24 MADE AND UPON THE EXPIRATION OF THE STATUTORY RIGHT OF
25 REDEMPTION AND IF NO PETITION TO SET ASIDE THE SALE IS PENDING,
26 THE PROTHONOTARY SHALL SATISFY ALL TAX CLAIMS AND MUNICIPAL
27 CLAIMS DIVESTED BY THE JUDICIAL SALE IN ACCORDANCE WITH THE
28 ORDER OF COURT AUTHORIZING SUCH SALE.

29 ANY PERSON INTERESTED MAY, AT ANY TIME BEFORE THE SALE, PAY
30 THE PETITIONER THE WHOLE OF HIS CLAIM, WITH INTEREST, COSTS,

1 CHARGES, EXPENSES, FEES AND ATTORNEY FEES, WHEREUPON THE
2 PROCEEDINGS ON PETITION SHALL AT ONCE DETERMINE.

3 FOR THE PURPOSE OF ENABLING THE PETITIONER IN ANY SUCH
4 PROCEEDINGS TO GIVE THE NOTICE REQUIRED, HE MAY TAKE THE
5 TESTIMONY OF THE DEFENDANT IN THE CLAIM, OR OF ANY OTHER PERSON
6 WHOM HE MAY HAVE REASON TO BELIEVE HAS KNOWLEDGE OF THE
7 WHEREABOUTS OF ANY OF THE PARTIES RESPONDENT, EITHER BY
8 DEPOSITION, COMMISSION, OR LETTERS ROGATORY.

9 ANY MUNICIPALITY, BEING A CLAIMANT, SHALL HAVE THE RIGHT, AND
10 IS HEREBY EMPOWERED, TO BID AND BECOME THE PURCHASER OF THE
11 PROPERTY AT SUCH SALE; AND WHILE THE SAID PROPERTY, SO
12 PURCHASED, IS HELD AND OWNED BY ANY COUNTY, CITY, BOROUGH,
13 INCORPORATED TOWN, TOWNSHIP, SCHOOL DISTRICT OR A BODY POLITIC
14 AND CORPORATE CREATED AS A MUNICIPAL AUTHORITY PURSUANT TO LAW,
15 IT SHALL NOT BE SUBJECT TO TAX CLAIMS, UNLESS IT BE REDEEMED BY
16 THE FORMER OWNER OR OTHER PERSON HAVING THE RIGHT TO REDEEM, AS
17 PROVIDED BY LAW. IF, HOWEVER, A MUNICIPALITY SHALL BECOME THE
18 PURCHASER AT SAID SALE, THE FORMER OWNER OR OTHER PERSON,
19 DESIRING TO REDEEM, SHALL PAY ALL TAXES AND MUNICIPAL CLAIMS
20 ACCRUED AND CHARGEABLE AGAINST THE PROPERTY PRIOR TO THE SALE
21 THEREOF, TOGETHER WITH THE COSTS AND INTEREST THEREON, AND ALSO
22 ALL TAXES AND CLAIMS, WHETHER FILED OR NOT, WHICH WOULD HAVE
23 ACCRUED AND BECOME CHARGEABLE AGAINST THE PROPERTY HAD THE SAME
24 BEEN PURCHASED AT THE SALE BY SOME PARTY OTHER THAN THE
25 MUNICIPALITY.

26 UPON THE DELIVERY BY THE SHERIFF OF A DEED FOR ANY PROPERTY
27 SOLD UNDER A TAX OR MUNICIPAL CLAIM, THE JUDGMENT UPON WHICH
28 SUCH SALE WAS HAD SHALL THEREUPON AND FOREVER THEREAFTER BE
29 FINAL AND CONCLUSIVE AS TO ALL MATTERS OF DEFENSE WHICH COULD
30 HAVE BEEN RAISED IN THE PROCEEDING, INCLUDING PAYMENT, AND NO

1 ERROR OR IRREGULARITY IN OBTAINING OR ENTERING OF SUCH JUDGMENT
2 SHALL EFFECT THE VALIDITY THEREOF.

3 SECTION 7. SECTION 39.2 OF THE ACT, AMENDED FEBRUARY 7, 1996
4 (P.L.1, NO.1) AND AUGUST 14, 2003 (P.L.83, NO.20), IS AMENDED TO
5 READ:

6 SECTION 39.2. (A) IN CITIES OF THE FIRST CLASS, NOTICE OF A
7 RULE TO SHOW CAUSE WHY A PROPERTY SHOULD NOT BE SOLD FREE AND
8 CLEAR OF ALL ENCUMBRANCES ISSUED BY A COURT PURSUANT TO A
9 PETITION FILED BY A CLAIMANT UNDER SECTION 31.2 OF THIS ACT
10 SHALL BE SERVED BY THE CLAIMANT UPON OWNERS, MORTGAGEES, HOLDERS
11 OF GROUND RENTS, LIENS AND CHARGES OR ESTATES OF WHATSOEVER KIND
12 AS FOLLOWS:

13 (1) BY POSTING A TRUE AND CORRECT COPY OF THE PETITION AND
14 RULE ON THE MOST PUBLIC PART OF THE PROPERTY;

15 (2) BY MAILING BY FIRST CLASS MAIL TO THE ADDRESS REGISTERED
16 BY ANY INTERESTED PARTY PURSUANT TO SECTION 39.1 OF THIS ACT A
17 TRUE AND CORRECT COPY OF THE PETITION AND RULE; AND

18 (3) BY REVIEWING A TITLE SEARCH, TITLE INSURANCE POLICY OR
19 TAX INFORMATION CERTIFICATE THAT IDENTIFIES INTERESTED PARTIES
20 OF RECORD WHO HAVE NOT REGISTERED THEIR ADDRESSES PURSUANT TO
21 SECTION 39.1 OF THIS ACT, THE CITY SHALL MAIL BY FIRST CLASS
22 MAIL AND EITHER BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, OR
23 BY REGISTERED MAIL TO SUCH ADDRESSES AS APPEAR ON THE RESPECTIVE
24 RECORDS RELATING TO THE PREMISES A TRUE AND CORRECT COPY OF THE
25 PETITION AND RULE.

26 SERVICE OF NOTICE PURSUANT TO THIS SECTION SHALL BE DEEMED
27 ACCOMPLISHED ON THE DATE OF MAILING. THE CITY SHALL FILE AN
28 AFFIDAVIT OF SERVICE WITH THE COURT PRIOR TO SEEKING A DECREE
29 ORDERING THE SALE OF THE PREMISES.

30 (A.1) IN COUNTIES OF THE SECOND CLASS AND MUNICIPALITIES

1 THEREIN, NOTICE OF A RULE TO SHOW CAUSE WHY A PROPERTY SHOULD
2 NOT BE SOLD FREE AND CLEAR OF ALL LIENS AND ENCUMBRANCES ISSUED
3 BY A COURT PURSUANT TO A PETITION FILED BY A CLAIMANT UNDER
4 SECTIONS [28] 31 AND 31.1 OF THIS ACT SHALL BE SERVED BY THE
5 CLAIMANT UPON OWNERS, MORTGAGEES, HOLDERS OF GROUND RENTS, LIENS
6 AND CHARGES OR ESTATES OF WHATSOEVER KIND AS FOLLOWS:

7 (1) BY POSTING A TRUE AND CORRECT COPY OF THE PETITION AND
8 RULE ON THE MOST PUBLIC PART OF THE PROPERTY.

9 (2) BY REVIEWING A TITLE SEARCH, TITLE INSURANCE POLICY OR
10 TAX INFORMATION CERTIFICATE THAT IDENTIFIES INTERESTED PARTIES
11 OF RECORD, THE [COUNTY OR] MUNICIPALITY SHALL MAIL BY FIRST CLASS
12 MAIL AND EITHER BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, OR
13 BY CERTIFICATE OF MAILING TO SUCH ADDRESSES AS APPEAR ON THE
14 RESPECTIVE RECORDS RELATING TO THE PREMISES A TRUE AND CORRECT
15 COPY OF THE PETITION AND RULE. NOTICE PURSUANT TO THIS SECTION
16 SHALL BE DEEMED ACCOMPLISHED ON THE DATE OF MAILING. THE [COUNTY
17 OR] MUNICIPALITY SHALL FILE AN AFFIDAVIT OF SERVICE WITH THE
18 COURT PRIOR TO SEEKING A DECREE ORDERING THE SALE OF THE
19 PREMISES[.] WHICH SHALL INCLUDE A LIST OF THOSE PERSONS OR
20 ENTITIES WHOSE NOTIFICATION UNDER THIS SECTION WAS RETURNED BY
21 THE POST OFFICE AS UNDELIVERABLE.

22 (A.2) EXCEPT IN CITIES OF THE FIRST CLASS, COUNTIES OF THE
23 SECOND CLASS AND MUNICIPALITIES LOCATED IN COUNTIES OF THE
24 SECOND CLASS, NOTICE OF A RULE TO SHOW CAUSE WHY A PROPERTY
25 SHOULD NOT BE SOLD FREE AND CLEAR OF ALL LIENS AND ENCUMBRANCES
26 ISSUED BY A COURT PURSUANT TO A PETITION FILED BY A CLAIMANT
27 UNDER SECTION 31 SHALL BE SERVED BY THE CLAIMANT UPON OWNERS,
28 MORTGAGEES, HOLDERS OF GROUND RENTS, LIENS AND CHARGES OR
29 ESTATES OF WHATSOEVER KIND AS FOLLOWS:

30 (1) BY POSTING A TRUE AND CORRECT COPY OF THE PETITION AND

1 RULE ON THE MOST PUBLIC PART OF THE PROPERTY.

2 (2) BY REVIEWING A TITLE SEARCH, TITLE INSURANCE POLICY OR
3 TAX INFORMATION CERTIFICATE THAT IDENTIFIES INTERESTED PARTIES
4 OF RECORD, THE MUNICIPALITY SHALL MAIL BY FIRST CLASS MAIL AND
5 EITHER BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, OR BY
6 CERTIFICATE OF MAILING TO SUCH ADDRESSES AS APPEAR ON THE
7 RESPECTIVE RECORDS RELATING TO THE PREMISES A TRUE AND CORRECT
8 COPY OF THE PETITION AND RULE. NOTICE PURSUANT TO THIS
9 SUBSECTION SHALL BE DEEMED ACCOMPLISHED ON THE DATE OF MAILING.
10 THE MUNICIPALITY SHALL FILE AN AFFIDAVIT OF SERVICE WITH THE
11 COURT PRIOR TO SEEKING A DECREE ORDERING THE SALE OF THE
12 PREMISES WHICH SHALL INCLUDE A LIST OF THOSE PERSONS OR ENTITIES
13 WHOSE NOTIFICATION UNDER THIS SECTION WAS RETURNED BY THE POST
14 OFFICE AS UNDELIVERABLE.

15 (B) NO PARTY WHOSE INTEREST DID NOT APPEAR ON A TITLE
16 SEARCH, TITLE INSURANCE POLICY OR TAX INFORMATION CERTIFICATE OR
17 WHO FAILED TO ACCURATELY REGISTER HIS INTEREST AND ADDRESS
18 PURSUANT TO SECTION 39.1 OF THIS ACT SHALL HAVE STANDING TO
19 COMPLAIN OF IMPROPER NOTICE IF THE CITY SHALL HAVE COMPLIED WITH
20 SUBSECTION (A) OF THIS SECTION. THIS PROVISION SHALL NOT APPLY
21 IF THE MORTGAGE OR INTEREST WAS OTHERWISE PROPERLY RECORDED IN
22 THE OFFICE OF THE RECORDER OF DEEDS AND THE DOCUMENT CONTAINS A
23 CURRENT ADDRESS SUFFICIENT TO SATISFY THE NOTICE REQUIREMENTS OF
24 THIS SECTION. NOTWITHSTANDING ANY OTHER REQUIREMENT SET FORTH IN
25 THIS ACT OR ANY OTHER LAW TO THE CONTRARY, THE NOTICE REQUIRED
26 BY SUBSECTION (A) OF THIS SECTION SHALL CONSTITUTE THE ONLY
27 NOTICE REQUIRED BEFORE A COURT MAY ENTER A DECREE ORDERING A TAX
28 SALE.

29 (B.1) NO PARTY WHOSE INTEREST DID NOT APPEAR ON A TITLE
30 SEARCH OR TITLE INSURANCE POLICY, BECAUSE OF THE PARTY'S FAILURE

1 TO RECORD OR PROPERLY RECORD ITS INTEREST, SHALL HAVE STANDING
2 TO COMPLAIN OF IMPROPER NOTICE IF THE COUNTY OR MUNICIPALITY
3 SHALL HAVE COMPLIED WITH SUBSECTION (A.1). THIS PROVISION SHALL
4 NOT APPLY IF THE MORTGAGE OR INTEREST WAS OTHERWISE PROPERLY
5 RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS AND THE DOCUMENT
6 CONTAINS A CURRENT ADDRESS SUFFICIENT TO SATISFY THE NOTICE
7 REQUIREMENTS OF THIS SECTION. NOTWITHSTANDING ANY OTHER
8 REQUIREMENT SET FORTH BY SUBSECTION (A.1), NOTICE THEREUNDER
9 SHALL CONSTITUTE THE ONLY NOTICE REQUIRED BEFORE A COURT MAY
10 ENTER A DECREE ORDERING A TAX SALE FREE AND CLEAR OF LIENS.

11 (B.2) IF THE MUNICIPALITY SHALL HAVE COMPLIED WITH
12 SUBSECTION (A.2), NO PARTY WHOSE INTEREST DID NOT APPEAR ON A
13 TITLE SEARCH OR TITLE INSURANCE POLICY BECAUSE OF THE PARTY'S
14 FAILURE TO RECORD OR PROPERLY RECORD ITS INTEREST SHALL HAVE
15 STANDING TO COMPLAIN OF IMPROPER NOTICE. THIS PROVISION SHALL
16 NOT APPLY IF THE MORTGAGE OR INTEREST WAS OTHERWISE PROPERLY
17 RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS AND THE DOCUMENT
18 CONTAINS A CURRENT ADDRESS SUFFICIENT TO SATISFY THE NOTICE
19 REQUIREMENTS OF THIS SECTION. NOTWITHSTANDING ANY OTHER
20 REQUIREMENT OF SUBSECTION (A.2), NOTICE THEREUNDER SHALL
21 CONSTITUTE THE ONLY NOTICE REQUIRED BEFORE A COURT MAY ENTER A
22 DECREE ORDERING A TAX SALE FREE AND CLEAR OF LIENS.

23 (C) NOTICE OF THE COURT'S DECREE ORDERING A TAX SALE,
24 TOGETHER WITH THE TIME, PLACE AND DATE OF THE SALE, SHALL BE
25 SERVED BY FIRST CLASS MAIL ON ALL PARTIES SERVED WITH THE
26 PETITION AND RULE, ON ANY PARTIES WHOSE INTEREST APPEARED OF
27 RECORD AFTER THE FILING OF THE PETITION BUT BEFORE THE COURT'S
28 DECREE AND ON ANY CREDITOR WHO HAS OBTAINED JUDGMENT AGAINST THE
29 OWNER OF THE PREMISES PRIOR TO THE DATE OF THE DECREE. THE CITY
30 SHALL FILE AN AFFIDAVIT OF SERVICE OF THESE NOTICES PRIOR TO THE

1 DATE OF THE SALE.

2 (D) EXCEPT IN CITIES OF THE FIRST CLASS, IN SALES PURSUANT
3 TO A PETITION FILED BY A CLAIMANT UNDER SECTION 31 OR 31.1,
4 NOTICE OF THE COURT'S DECREE ORDERING A TAX SALE, TOGETHER WITH
5 THE TIME, PLACE AND DATE OF THE SALE, SHALL BE SERVED ALONG WITH
6 THE NOTICE OF SHERIFF'S SALE AND SHALL BE PROVIDED TO ALL
7 PARTIES ENTITLED TO RECEIVE NOTICE PURSUANT TO PA.R.C.P.
8 NO.3129.1 (RELATING TO SALE OF REAL PROPERTY; NOTICE;
9 AFFIDAVIT).

10 (E) EXCEPT IN CITIES OF THE FIRST CLASS, IN SALES PURSUANT
11 TO A PETITION FILED BY A CLAIMANT UNDER SECTION 28 OR 31, NOTICE
12 OF THE COURT'S DECREE ORDERING A SALE, TOGETHER WITH THE TIME,
13 PLACE AND DATE OF THE SALE, SHALL BE SERVED BY FIRST CLASS MAIL
14 UPON ALL PARTIES WHO RECEIVE NOTICE PURSUANT TO PA.R.C.P.
15 NO.3129.1 PRIOR TO THE INITIAL SALE. NOTICE UNDER THIS SECTION
16 SHALL BE PROVIDED NO LATER THAN SEVEN DAYS PRIOR TO THE
17 CONTINUED SALE.

18 SECTION 8. THE ACT IS AMENDED BY ADDING SECTIONS TO READ:

19 SECTION 42. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ANY
20 TAXING DISTRICT IN THIS COMMONWEALTH MAY ADOPT A RESOLUTION TO
21 COLLECT TAXES UNDER THIS ACT EXCLUSIVELY AND INDEPENDENTLY OF
22 ANY OTHER STATUTE GOVERNING THE COLLECTION OF TAXES, INCLUDING
23 THE ACT OF JULY 7, 1947 (P.L.1368, NO.542), KNOWN AS THE "REAL
24 ESTATE TAX SALE LAW," AND INDEPENDENT OF ANY COUNTY TAX CLAIM
25 BUREAU. ANY TAXING DISTRICT WHICH ADOPTS A RESOLUTION TO COLLECT
26 TAXES UNDER THIS SECTION SHALL NOT BE REQUIRED TO COMPLY WITH
27 ANY OF THE PROCEDURES OR PROVISIONS OF THE "REAL ESTATE TAX SALE
28 LAW," INCLUDING THE OBLIGATION TO MAKE ANNUAL RETURNS TO ANY
29 COUNTY TAX CLAIM BUREAU. FOR THE PURPOSES OF THIS SECTION, THE
30 TERM "TAXING DISTRICT" SHALL HAVE THE SAME MEANING AS GIVEN TO

1 IT UNDER SECTION 102 OF THE "REAL ESTATE TAX SALE LAW."

2 SECTION 43. IF ANY PROVISION OF THIS ACT OR ITS APPLICATION
3 TO ANY PERSON OR CIRCUMSTANCE IS HELD INVALID OR UNENFORCEABLE,
4 THE REMAINDER OF THIS ACT OR THE APPLICATION OF THE PROVISIONS
5 TO OTHER PERSONS OR CIRCUMSTANCES SHALL NOT BE AFFECTED.

6 SECTION 9. THIS ACT SHALL APPLY AS FOLLOWS:

7 (1) THE AMENDMENT OF SECTION 3 OF THE ACT SHALL APPLY
8 RETROACTIVELY TO JANUARY 1, 2005.

9 (2) THE AMENDMENT OF SECTION 26 OF THE ACT SHALL APPLY
10 RETROACTIVELY TO JANUARY 1, 2005.

11 (3) THE ADDITION OF SECTION 42 OF THE ACT SHALL APPLY
12 RETROACTIVELY TO JANUARY 1, 2005.

13 SECTION 10. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

14 (1) THIS SECTION SHALL TAKE EFFECT IMMEDIATELY.

15 (2) THE FOLLOWING PROVISIONS SHALL TAKE EFFECT JANUARY
16 1, 2009:

17 (I) THE AMENDMENT OF SECTION 26 OF THE ACT.

18 (II) SECTION 9(2) OF THIS ACT.

19 (3) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN 60
20 DAYS.