

No. 37

AN ACT

HB 1480

Amending the act of April 9, 1929 (P.L.343, No.176), entitled "An act relating to the finances of the State government; providing for the settlement, assessment, collection, and lien of taxes, bonus, and all other accounts due the Commonwealth, the collection and recovery of fees and other money or property due or belonging to the Commonwealth, or any agency thereof, including escheated property and the proceeds of its sale, the custody and disbursement or other disposition of funds and securities belonging to or in the possession of the Commonwealth, and the settlement of claims against the Commonwealth, the resettlement of accounts and appeals to the courts, refunds of moneys erroneously paid to the Commonwealth, auditing the accounts of the Commonwealth and all agencies thereof, of all public officers collecting moneys payable to the Commonwealth, or any agency thereof, and all receipts of appropriations from the Commonwealth and imposing penalties; affecting every department, board, commission, and officer of the State government, every political subdivision of the State, and certain officers of such subdivisions, every person, association, and corporation required to pay, assess, or collect taxes, or to make returns or reports under the laws imposing taxes for State purposes, or to pay license fees or other moneys to the Commonwealth, or any agency thereof, every State depository and every debtor or creditor of the Commonwealth," changing the number of days' notice to the Department of Revenue of judicial sales.

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

Section 1. Section 1402, act of April 9, 1929 (P.L.343, No.176), known as "The Fiscal Code," amended May 15, 1945 (P.L.528, No.209), is amended to read:

Section 1402. Protection of Commonwealth Liens on Judicial Sales.—No sheriff, receiver, trustee, assignee, master, or other officer, shall sell the property or franchises of any corporation, limited partnership, or joint-stock association, without first filing with the Department of Revenue, not less than **[ten (10)] twenty (20)** days prior to such sale, a statement containing the following information.—

First. Name or names of the plaintiff or party at whose instance, or upon whose account, the sale is made.

Second. The name of the corporation, limited partnership, or joint-stock association, whose property or franchise is to be sold.

Third. The time and place of sale.

Fourth. The nature of the property to be sold and the location of the same.

It shall be the duty of the Department of Revenue, after receiving notice as aforesaid, to settle according to law all tax, bonus or other public accounts for which reports have been filed, and to make estimated settlements of all tax, bonus or other public accounts for which reports have not been filed to date of such sale, whether or not reports for such tax,

bonus or other public accounts are due, and to furnish to the sheriff, receiver, trustee, assignee, master, or other officer having charge of the sale, a certified statement of account showing all unpaid taxes, bonus, or other public accounts on file in the department, as liens against such corporation, limited partnership, or joint-stock association, and, in the case of no liens, a certificate showing that fact, which certified statement or certificate, shall be publicly read by such officer, at and immediately before the sale of the property or franchise of such corporation, limited partnership, or joint-stock association. For the services performed in accordance with the provisions hereof, the officer having charge of the sale shall receive the sum of three dollars (\$3.00), to be taxed and paid as part of the costs of sale.

APPROVED—The 8th day of April, A. D. 1976.

MILTON J. SHAPP