

Locating new buildings or changing the locations of old ones.

Dismissing a teacher after a hearing.

Creating or increasing any indebtedness.

Adopting courses of study.

Establishing additional schools or departments.

Designating depositories for school funds.

Entering into contracts of any kind, including contracts for the purchase of fuel or any supplies, where the amount involved exceeds one hundred dollars (\$100).

Fixing salaries or compensation of officers, teachers, or other appointees of the board of school directors.

Failure to comply with the provisions of this section shall render such acts of the board of school directors void and unenforceable.

Act effective
July 1, 1951.

Section 2. The provisions of this act shall become effective on the first day of July, one thousand nine hundred fifty-one.

APPROVED—The 10th day of May, A. D. 1951.

JOHN S. FINE

No. 56

AN ACT

To further amend section 15 of the act, approved the sixteenth day of May, one thousand nine hundred twenty-three (Pamphlet Laws 207), entitled "An act providing when, how, upon what property, and to what extent, liens shall be allowed for taxes and for municipal improvements, for the removal of nuisances, and for water rents or rates, sewer rates, and lighting rates; for the procedure upon claims filed therefor; the methods for preserving such liens and enforcing payment of such claims; the effect of judicial sales of the properties liened; the distribution of the proceeds of such sales, and the redemption of the property therefrom; for the lien and collection of certain taxes heretofore assessed, and of claims for municipal improvements made and nuisances removed, within six months before the passage of this act; and for the procedure on tax and municipal claims filed under other and prior acts of Assembly," changing the procedure in reviving municipal claims and reinstating the lien of certain claims.

Municipal liens.

Section 15, act of May 16, 1923, P. L. 207, as last amended by act of April 14, 1949, P. L. 470, and act of May 20, 1949, P. L. 1494, further amended.

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

Section 1. Section 15 of the act, approved the sixteenth day of May, one thousand nine hundred twenty-three (Pamphlet Laws 207), entitled "An act providing when, how, upon what property, and to what extent, liens shall be allowed for taxes and for municipal improvements, for the removal of nuisances, and for water rents or rates, sewer rates, and lighting rates; for the

procedure upon claims filed therefor; the methods for preserving such liens and enforcing payment of such claims; the effect of judicial sales of the properties liened; the distribution of the proceeds of such sales, and the redemption of the property therefrom; for the lien and collection of certain taxes heretofore assessed, and of claims for municipal improvements made and nuisances removed, within six months before the passage of this act; and for the procedure on tax and municipal claims filed under other and prior acts of Assembly," as last amended by the act, approved the fourteenth day of April, one thousand nine hundred forty-nine (Pamphlet Laws 470), and the act, approved the twentieth day of May, one thousand nine hundred forty-nine (Pamphlet Laws 1494), is hereby further amended to read as follows:

Section 15. Such tax, municipal or other claim if filed within the period aforesaid, shall remain a lien upon said properties until fully paid and satisfied: Provided, That either a suggestion of nonpayment and an averment of default, in the form hereinafter provided, be filed, [in cases of tax claims,] either before or after judgment on the scire facias, [and in cases of other than tax claims, after judgment on the scire facias,] or else a writ of scire facias, in the form herein provided, be issued to revive the same, within each period of five years following—(a) the date on which said claim was filed, (b) the date on which a writ of scire facias was issued thereon, (c) the date on which any judgment was entered thereon, (d) the date on which a previous suggestion of nonpayment and default was filed thereon, or (e) the date on which a judgment of revival was obtained thereon.

Term of lien.

Proviso.

The suggestion and averment shall be in the following form, under the caption of the claim:

Form of suggestion of nonpayment and averment of default.

And now, the claimant, by, his solicitor, or by the chief of its delinquent tax bureau, suggests of record that the above claim is still due and owing to the claimant, and avers that the owner is still in default for nonpayment thereof. The prothonotary is hereby directed to enter this suggestion and averment on the municipal lien *or the proper docket of the claim, and also to index it upon the judgment index and on the locality index of the court, for the purpose of continuing the lien of the claim.

Such suggestion and averment shall be signed by, or have stamped thereon a facsimile signature of, the solicitor or chief executive officer of the claimant, or the chief of its delinquent tax bureau. The prothonotary shall

Signature.

Docketing and indexing.

* "of" in original.

Prothonotary's fee. docket and index the suggestion and averments directed therein; and for such services, in all counties of the fifth class and the political subdivisions in such counties, shall be entitled to a fee of one dollar, and in all other classes of counties and the political subdivisions thereof, he shall receive the following fee, to be taxed and collected as other costs in the claim.

Where suggestion and averment is for taxes or municipal claims for one year and is directed to be indexed in one name only one dollar (\$1);
Each additional year included one dollar (\$1);
Each additional name included twenty-five cents (\$.25).

Force and effect of filing and indexing of suggestion of non-payment and averment of default. The filing and indexing of such suggestion and averment within five years of filing the claim or the issuing of any writ of scire facias thereon, or of any judgment thereon, or of the filing of any prior suggestion and averment of default, shall have the same force and effect, for the purposes of continuing and preserving the lien of the claim, as though a writ of scire facias had been issued or a judgment or judgment of revival had been obtained within such period: Provided, That no writ of levari facias shall be issued upon a claim for the purpose of exposing the property lien to sheriff's sale, except after a judgment shall have been duly obtained upon the claim, as provided in this section, and such judgment must have been obtained within five years of the issuance of the levari facias. Whenever the lien of a claim has been revived and continued by the filing and indexing of a suggestion and averment of default, the claimant may, at any time within five years therefrom, issue a writ of scire facias thereon, reciting all suggestion and averment of default filed since the filing of the claim, and shall proceed thereon, in the manner herein provided, subject to the right of the owner to raise any defense arising since the last judgment.

Proviso.

Claimant may issue writ of scire facias within five years from date when lien has been revived and continued.

Loss of lien.

If a claim be not filed within the time aforesaid, or if it be not prosecuted in the manner and at the time aforesaid, its lien on real estate shall be wholly lost.

Validation of certain municipal claims.

Section 2. In any case where any county, city, borough, incorporated town or township has heretofore filed in the office of the prothonotary of the proper county any municipal claim, and the county, city, borough, incorporated town or township has not, within the period of five (5) years after the date on which any such claim was filed, sued out a writ of scire facias to reduce the same to judgment, or has not done so in time, then such county, city, borough, incorporated town or township may, within six (6) months after the effective date of this act, file a suggestion of nonpayment and an

avermment of default; or, where any county, city, borough, incorporated town or township has heretofore filed a suggestion of nonpayment and an averment of default on a municipal claim when the law required that a writ of scire facias be sued out; then, in either case, such claim so revived shall be a valid claim and be a lien upon the real estate upon which it was a lien at the time the claim was filed: Provided, That the lien of any such claim shall not reattach against any real estate transferred to any purchaser during the time when the lien of any such municipal claim was lost; nor shall the lien of any such claim impair or affect the priority of the lien of any mortgage or other lien which gained priority because of the failure of the county, city, borough, incorporated town or township to sue out the writ of scire facias within the five (5) year period, or was entered of record during the time the lien of such municipal claim or judgment was lost; nor shall any such lien so revived impair or affect the priority of the lien of any mortgage or other lien which gained priority during the time such municipal claim was not revived or was not effective.

Proviso.

Section 3. The provisions of this act shall become effective immediately upon final enactment.

Act effective immediately.

APPROVED—The 10th day of May, A. D. 1951.

JOHN S. FINE

No. 57

AN ACT

To further amend the act, approved the fifth day of June, one thousand nine hundred forty-seven (Pamphlet Laws 458), entitled, as amended, "An act creating as bodies corporate and politic "Parking Authorities" in cities of the first, second, second A and third classes; prescribing the rights, powers and duties of such authorities; authorizing such authorities to acquire, construct, improve, maintain and operate parking projects; to conduct research of the parking problem, and to establish a permanent coordinated system of parking facilities, and to borrow money and issue bonds therefor; providing for the payment of such bonds and prescribing the rights of the holders thereof; conferring the right of eminent domain on such authorities; empowering such authorities to enter into contracts with, and to accept grants from, the Federal Government, State, political subdivisions of the State or any agency thereof; exempting the property and securities of such parking authorities from taxation and conferring exclusive jurisdiction on certain courts over rates," by extending the provisions of the act to boroughs and townships of the first class.

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

"Parking Authority Law."