

No. 353

## AN ACT

Fixing the fees of the prothonotaries in counties of the fourth, fifth, sixth, seventh and eighth class; fixing the time when they are to be paid and the person liable for payment, and imposing powers and duties on the prothonotaries, their deputies and clerks.

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\* "of Scire Facias" not in original.

\*\* "Writs" in original.

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**The Common  
Pleas Prothono-  
taries Fee Act.**

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

Section 1. Short Title.—This act shall be known and may be cited as “The Common Pleas Prothonotaries Fee Act”—

Section 2. Definitions.—As used in this act—

(1) “Entering” and “Docketing” are synonymous, and shall include:

(i) Receiving, numbering and filing of the documents and procedures;

(ii) Giving receipts for payment thereof;

(iii) Noting in the proper book a synopsis of the item filed or a reference to the proceeding;

(iv) All indexing, cross indexing and cross references, except where otherwise noted in this act;

(v) Notation of service of the document or procedure and the taking of any oaths, attestations or certifications thereto.

(2) Issuing of a writ, rule or other document shall include:

(i) Docketing of the praecipe or order for same;

(ii) Drawing, issuing and docketing the rule or the writ;

(iii) Docketing of the return of the same and the oath, attestation or certification thereto; and

(iv) All indexing, cross indexing and cross references required thereby, except where otherwise noted in this act.

Section 3. Fees to Include.—All fees provided for in this act shall include, in addition to the services herein-

after indicated, the following services when required by law :

- (1) Receiving the item ;
- (2) Numbering the item ;
- (3) Endorsing the time of receipt thereon ;
- (4) Issuing a receipt for payment thereof ;
- (5) Proofreading and filing ;
- (6) Holding a copy for service ;
- (7) Entry of service, acceptance of service, or posting ;
- (8) Oath, attestation or certification of service by the prothonotary ;
- (9) Cross entries ;
- (10) Indexing and cross indexing ;
- (11) Entry in court minutes.

Section 4. Fees to Also Include.—Whenever a document is filed which institutes a cause of action or otherwise requires a new term or serial number, the fees provided for in this act shall include the following services :

- (1) Docketing the appearance of all attorneys in the case ;
- (2) Docketing all the costs in the case ;
- (3) Receiving, receipting, disbursing and bookkeeping all costs ; and
- (4) All indexing in all dockets and index books required.

Section 5. Fee for Extra Names.—The fee for each name over three in any caption, judgment or decree shall be 50¢.

Section 6. Complaints Commencing Cases.—For docketing complaints which commence cases, unless otherwise provided for herein, including docket entries of verification, rules to plead and endorsements thereon, certification of true and correct copy and notation of copy exit, the fees shall be as follows :

(1) Assumpsit .....	\$ 4.50
(2) Ejectment .....	6.50
(3) Equity without injunction .....	6.00
(4) Equity with injunction, including also the docketing of notice, bond affidavits and order of court, and issuance of the writ of injunction . . . .	10.50
(5) Mandamus .....	7.00
(6) Mortgage foreclosure .....	4.50
(7) Quiet Title .....	4.50
(8) Quo Warranto .....	7.00
(9) Replevin without bond .....	5.50
(10) Trespass .....	4.50
(11) Fraudulent debtors attachment, including writ and notice to one garnishee, bond and complaint and drawing and issuing the writ .....	11.50

(12) Docketing and issuing interrogatories to one garnishee .....	1.50
Section 7. Writs Commencing Cases.—For docketing and issuing writs commencing cases in assumpsit, ejectment, equity, replevin, trespass and foreign debtors attachment, including notation of writ exit, the fee shall be .....	6.00
(1) Docketing and issuing interrogatories to one garnishee .....	1.50
(Each additional garnishee) .....	.50

Section 8. Cases Commenced by Petition, Motion or Pleading Other Than a Complaint or Writ.—The fees for docketing the original document commencing an action or legal proceeding by petition, motion or pleading other than a complaint or writ shall be as follows:

(1) Compromise action including final decree and indexing entry of judgment .....	15.00
(2) Declaratory judgment .....	4.50
(3) Petition for rule to show cause .....	5.00
(4) Appoint guardian .....	4.50
* (5) Lost Item .....	4.50
(6) Satisfy mortgage or lien other than by quiet title .....	4.50
(7) Sales of unclaimed or liened property ....	4.50
(8) Assignment for benefit of creditors .....	4.50
(9) Open ballot box, recanvass and recount votes, election contest including all services ....	10.00
(10) Femme sole trader .....	4.50
(11) Change of name .....	4.50
(12) Framed issue .....	3.50
(13) Docketing order of court accompanying any of the above .....	1.50
(14) Docketing, drawing and issuing rules accompanying any of the above .....	2.00

Section 9. Cases Commenced by \*\*Praeipce or \*\*\*Order for \*\*\*\*Writ of Scire Facias.—The fees for docketing the praecipce and issuing all writs of scire facias and including the docketing of affidavits accompanying the same and docketing and issuing any rules to appear or plead accompanying the same shall be .....

7.00

Section 10. Cases Commenced by Appeal or Certiorari.—The fees for docketing the original document in appeals and certioraris, and including the issuing and docketing of required notices, rules and writs, taking oaths, and the

\* "(5)" not in original.  
 \*\* "Praecipces" in original.  
 \*\*\* "Orders" in original.  
 \*\*\*\* "Writs" in original.

taking, entry and handling of bond or bail, shall be as follows:

- |                           |      |
|---------------------------|------|
| (1) All certioraris ..... | 7.00 |
| (2) All appeals .....     | 5.00 |

Section 11. Partition.—The fee for docketing various pleadings and procedure in partition in common pleas, including all services, shall be .... 20.00

- |                                  |      |
|----------------------------------|------|
| (1) For each extra purport ..... | 5.00 |
|----------------------------------|------|

Section 12. Condemnation and Eminent Domain.—The fees to be charged in condemnation and eminent domain proceedings shall be as follows:

(1) Docketing all proceedings in condemnation and eminent domain down to and including the report of the board of viewers, with the exception of petitions and orders for postponement, or appointment of stenographers .....

13.50
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(2) Docketing appeals from viewers award in common pleas, cases .....

2.00
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(3) Complaint or statement in such appeal ... 2.00

(4) Docketing appeals from viewers award in quarter session (not including complaint) .....

2.00
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Section 13. Corporations and Partnerships.—The fees to be charged for corporation and partnership matters shall be as follows:

(1) Docketing articles of incorporation, amendments and mergers, including certificate of Department of State, proof of publication, motion for grant of charter, decree of court, and drawing and issuing charter or certificate and report to Department of State .....

10.00
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(2) Docketing petition for dissolution of a corporation, order, proof of publication, hearing, notes of testimony and final decree, and issuing report to Department of State .....

10.00
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Section 14. Fictitious Names.—The fees to be charged in fictitious names matters shall be as follows:

(1) Filing of registration, including proof of publication, cancellation or withdrawal or adding and/or deleting names .....

5.25
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(2) Registration of corporate fictitious name, including drawing and issuing certificate .....

10.00
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(3) Change of address .....

1.00
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Section 15. Divorce.—The fees to be charged in divorce matters shall be as follows:

(1) Docketing complaint in divorce .....

6.50
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(2) Each additional item not otherwise provided for in this section .....

2.00
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(3) Docketing praecipe for argument list and placing same on the list where required by local practice .....	1.00
(4) Docketing final decree of court and drawing and issuing certified copy of decree to plaintiff	4.00
(5) Report to Bureau of Vital Statistics .....	1.00
(6) Drawing and issuing additional certified copies of divorce decree .....	3.00

Section 16. Habeas Corpus.—The fee for docketing the petition and order and issuing the writ in habeas corpus shall be ..... 6.50  
Where the petition is for the release of a person in prison or an inmate of a mental hospital, or in custody by reason of legal process, the fee shall be paid by the county.

Section 17. \*Compulsory Arbitration.—The fee in arbitration for all services shall be ..... 12.00

(1) Where prothonotary serves the opposing counsel by mail, \$1.00 additional each counsel.

(2) Where prothonotary serves an unrepresented defendant by mail, \$2.00 additional each defendant.

(3) Docketing appeal and bond, approving bond and issuing notice to opposing counsel .... 5.00

Section 18. Transfer of Cases.—For docketing transfer of cases from equity to law, or vice versa, and from orphans' court to common pleas ..... 5.00

Section 19. Pleadings Accompanying or Following Case Commenced by \*\*Writs.—Where a case is commenced by the issuance of a writ, the fee for docketing an accompanying or following complaint, affidavit, statement or claim, unless otherwise provided for herein, shall be ..... 2.00

Section 20. Amicable Actions.—Unless otherwise provided for herein, the fees charged for docketing and proceedings in amicable actions shall be the same as those provided for in adverse actions of the same nature.

Section 21. Amended Pleadings.—The fee for docketing amended pleadings shall be ..... 2.00

Section 22. Reissue and Reinstate.—The fee for reissuing a writ or reinstating a complaint and docketing the same, including the praecipe shall be 2.00

Section 23. Pleadings and Proceedings after Start of the Case.—Except as herein otherwise

\* Compulsory" not in original.

\*\* "Writ" in original.

provided, the fees for docketing pleadings and proceedings after the commencing of a case shall be ..... 2.00

(1) Joining additional defendant, all services necessary but not including complaint ..... 4.00

(2) Conversion from replevin without bond to replevin with bond ..... 5.50

(3) Foreign attachment writ after start of case, including the praecipe and the issuing and docketing of the writ ..... 5.00

(4) Lodge testimony or depositions ..... .50

(5) File testimony or depositions ..... .50

(6) Docketing reports of assignees, auditors, trustees, committees, sequestrators, commissioners, masters and examiners, if not otherwise provided for herein ..... 3.00

(7) Docketing order of court for sheriff's interpleader and issuing and docketing rule to the sheriff ..... 4.00

(8) Issuing attachment for contempt or bench warrant and docketing the same and return thereof ..... 4.00

(9) Docketing rules for judicial sales by Tax Bureau, issuing same to sheriff, docketing search and claim and return of service thereof. For each sale ..... 5.00

Section 24. Orders and Decrees.—The fee for docketing orders, decrees, and decrees nisi not otherwise provided for herein and for adjudications and decisions shall be ..... 3.00

- (1) With an accompanying opinion ..... 4.00
- (2) For drawing notice of the same and serving it where required on counsel by ordinary mail ... 1.00
- (3) If by registered or certified mail ..... 1.50

Section 25. Bonds.—The fee for all services in bonding proceedings shall be ..... 2.50

Section 26. Commission to Take Testimony.—

- (1) Docketing the petition and order of appointment of a commissioner, drawing and issuing the writ, notices and instructions, docketing of interrogatories, transmittal to commissioners, entering of report and testimony and issuing notice to the parties or counsel ..... 5.00
- (2) Docketing and handling cross interrogatories accompanying the same ..... 1.00

Section 27. Accounts.—The fee for all services rendered when an account is filed shall be ..... 10.00 plus the cost of advertising.

Section 28. Execution Writs.—For issuing and docketing execution writs, including praecipis not otherwise provided herein, the fees shall be as follows (without indexing):

(1) Writ of execution without attachment . . . .	7.00
(2) Writ of attachment . . . . .	7.00
(3) Both on one praecipe . . . . .	12.00
(4) Writ of execution, mortgage foreclosure levari facias, habere facias possessionem and possession . . . . .	7.00
(5) Docketing and issuing interrogatories and rule thereon in attachment . . . . .	1.50

Section 29. Judgments and Liens.—For docketing judgments and liens, including daily blotter entries and receipt for payment as to items not otherwise provided for herein, the fees shall be as follows:

(1) All judgments including transcript and praecipe for judgment . . . . .	3.50
(2) Writ of execution from another county, including entry in execution docket and filing notation . . . . .	3.50
(3) Amicable revival of judgment including entries at previous record and indices and notations on transcript . . . . .	4.00
(4) Nonsuits . . . . .	3.00
(5) Transcript, precept or certificate from Orphans' Court, Quarter Sessions, Probation and Parole Officer . . . . .	3.50
(6) Affidavits of default and other affidavits	1.00 extra
(7) Assignment of lien or judgment, including notations on transcript . . . . .	2.00
(8) Postponement or subrogation of lien or judgment . . . . .	1.00
(9) Release of property from lien or judgment, per description (address or lot number entry) . . . . .	1.00
(10) Release of property from lien or judgment where no street address shown and full description of released premises is recorded, per description . . . . .	2.00
(11) All liens including indexing . . . . .	3.50
(12) Averment of default and/or suggestion of nonpayment of lien . . . . .	3.50

Section 30. Miscellaneous Indexing.—The fees for miscellaneous indexing and docketing of the respective items wherever required shall be as follows:

(1) Praecipe for judgment vs decedent's estate	3.50
(2) Sheriff's certificate of attachment on real estate . . . . .	2.00
(3) Certificate from Workmen's Compensation	



Board .....	2.00
(4) Certificate of decree in miscellaneous index .....	2.00

Section 31. **Satisfactions, Discontinuances and Terminations.**—For preparing the docket, attesting to the entry, marking the transcript and making proper notations at the indices in satisfactions, discontinuances and terminations, the fees shall be as follows:

(1) Satisfy judgments, awards, verdicts, decrees and liens .....	1.50
(2) Entry of discontinuance .....	2.00
(3) Entry of money made .....	1.50
(4) Entry of strike off of judgment .....	1.50

Section 32. **Mechanics Liens.**—The fees for docketing mechanics liens and stipulations against liens shall be as follows:

(1) Docketing a synopsis of a mechanics lien, including the caption, date, number, amount, general nature of the claim and street address or lot number of premises liened and docketing notice thereof .....

4.00

(2) Receiving, indexing and filing a stipulation against mechanics liens or a building agreement containing such stipulation, docketing a synopsis of the same consisting of caption, date, number and street address or lot number .....

4.00

(3) Where there is no street address or lot number mentioned in the description in the lien or stipulation, the additional fee for docketing one description in full shall be .....

1.00

(4) Where the filer requests that the entire lien, stipulation, or building agreement be recorded in full, the additional fee shall be as in transcribing and recording documents.

Section 33. **Oaths, Affidavits, Attestations and Acknowledgments.**—The fee for oaths, affidavits, attestations, and acknowledgments not otherwise provided for herein, shall be .....

1.00

(1) Acknowledgment of Treasurer, Sheriffs and Tax Claim Bureau Deeds and docket entries thereof .....

3.00

Section 34. **Certifications.**—The fee for certifications shall be .....

1.00

(1) Preparing copy and certification of court order or decree .....

3.50

Section 35. **Transcribing and Recording.**—The fees for recording documents by entering them in full in a docket and for transcribing pleadings, instruments and docket entries for certification or exemplification not otherwise provided for herein, shall be as follows:

(1) For recording documents, pleadings, orders, records, exhibits or portions thereof in full into dockets, for each 100 words . . . . .	1.00
(2) Transcribing in full pleadings, instruments, orders, exhibits and records and docket entries certifying as to same, for each 100 words . .	1.00
(3) For drawing double certificate under Act of Congress, and issuing same . . . . .	3.50
(4) The fees for preparing and issuing a complete exemplification of record and record papers shall be based on the fees provided for transcribing and certifying . . . . .	3.00

Section 36. Court Services.—The fees for court sessions, unless otherwise provided for herein, shall be as follows:

(1) Docketing praecipe for argument, hearing or trial and preparation of papers for court, each case . . . . .	1.00
(2) Preparing docket entries for the court where required, each case . . . . .	1.00
(3) Preparing argument and hearing list, posting and advertising same where required; for each list; to be paid by the county . . . . .	5.00
(4) Docketing of hearing or argument held, continuance or other disposition not requiring index entries on call of list, each case . . . . .	.50
(5) Docketing notation of summary disposition by the court . . . . .	.50
(6) Preparing trial list for advertising, posting and printing, preparing case for trial, each case to be paid by the county . . . . .	.50
(7) Drawing venire order, docketing same and court order, preparing, taking and docketing oaths of sheriff and jury commissioners, preparing venire writ and returns thereof, posting copy of jury list. Each venire, to be paid by county . . . . .	10.00
(8) All services in the trial of a cause, or a hearing including drawing and swearing of jury, preparation of verdict forms, swearing witnesses and tipstaves and other required services, per day or fraction thereof, per case . . . . .	4.00
(9) For attending court sessions by the prothonotary, his deputies or *clerks, for each day or fraction thereof per courtroom attended, to be paid by the county . . . . .	15.00
(10) The prothonotary shall be authorized to appoint special deputies to attend court with power to administer oaths and perform all required services. Where such deputies are appointed, they shall be paid by the county on a per	

\* "clerks" in original.

diem basis to be fixed by the salary board. Where such special deputies serve, the fee of \$15.00 per day as provided for in clause (9) hereof shall not be charged.

(11) For taking, docketing and filing each verdict, confession of judgment in open court and nonsuits .....	2.00
(12) For noting and docketing trial motions for binding instructions, directed verdict, compulsory nonsuit, voluntary nonsuit, withdrawal of juror and disposition thereof, not including index entries where required, each item .....	.50
(13) For noting and docketing plea of surprise and disposition thereof and points for charge ...	.50
(14) Framing an issue in trial of case .....	2.00
(15) Preparing and issuing pay vouchers for each juror, preparing slips for the selection of jurors, preparing list for printing and for use in the courtroom and by the county treasurer, for each juror, whether serving or not, to be paid by the county .....	1.50
(16) Preparing and issuing vouchers for the payment of tipstaves and certifying to the county treasurer, to be paid by the county, each .....	1.50

Section 37. Appellate Court Services.—

(1) Docketing certiorari from appellate court, docketing and approving bond if *filed, amount in controversy, question of law involved, returns of service, preparing docket entries and papers for the court, preparations of certificates thereto, assembling and transmittal, docketing remittitur and index entries required, per case .....	10.00
(2) Where more than one appeal in a case, an additional fee for each extra appeal .....	5.00

The combined fees may be prorated among the appellants.

Section 38. County Fees.—The fees for services to be paid by the county, in addition to those herein otherwise provided for, shall be as follows:

(1) Preparation and transmittal of forms for acceptance of office to elected Alderman and Justices of the Peace, each .....	1.00
(2) For drawing and filing report with the Secretary of the Commonwealth of election and acceptance of office by Alderman and Justices of the Peace, each person so reported .....	1.00
(3) For preparing and issuing notice of result of election to membership on school boards, for each notice sent .....	1.00

\* "file" in original.

(4) Filing bond and oath of Justice of the Peace .....	1.50
(5) Preparing and transmitting to the County Commissioners, lists of judgments and secured transactions entered, assigned and satisfied. Each item so listed .....	.50
(6) Filing admission, disbarment, suspension or reinstatement of attorney .....	1.00
(7) Filing war veteran's peddlers license ....	1.00
(8) Docketing report of county controllers or county auditors .....	10.00
(9) Docketing and posting annual jury wheel order .....	5.00
(10) Docketing order of appointment originating with the court .....	5.00
(11) Drawing copy of appointment and certifying same and transmitting it to appointee, county controller and county commissioners, each .....	2.50
(12) Docketing reports of such appointees, except reports arising out of litigation .....	3.00
(13) Docketing consolidated return of upset price tax sale by Tax Bureau and order of court thereon .....	10.00
(14) Docketing decree nisi in connection with (13) .....	3.00
(15) Docketing proofs of publication in connection with (13) .....	.50
(16) Docketing petition and order of Tax Bureau for free and clear sale .....	10.00
(17) In connection with (16), docketing each rule on taxing and body and return .....	2.00
(18) In connection with (16), docketing final petition *and order for sale .....	5.00
(19) In connection with (16), docketing waiver of service and notice of taxing body .....	1.00
(20) In connection with (16), preparing, numbering and issuing the rules to the sheriff per sale .....	5.00
(21) In connection with (16), docketing the sheriff's return to advertising of the sale .....	2.00
(22) Docketing each individual rule and return thereto, to be added by the county to the rule costs .....	5.00
(23) Docketing petition and order for the registration of an elector .....	5.00
(24) Entry of special court minutes directed by the court .....	1.00

Section 39. Bills of Costs and Record Costs.—For services enumerated in this section, the fees shall be as follows:

(1) Filing bill of costs .....	1.00
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\* "and" in original.

(2) Docketing exceptions to bill of costs or record costs and issuing notice of hearing . . . . .	2.00
(3) Holding hearing on same . . . . .	1.00
(4) Taking, preparing and docketing testimony thereon, per 100 words . . . . .	1.00
(5) Drawing, docketing and giving notice of decision thereon . . . . .	2.00

Section 40. Miscellaneous Services.—For service enumerated in this section, the fees shall be as follows:

(1) Docketing and issuing certificate of professional registration, other than attorney . . . . .	2.00
(2) Issuing subpoena under seal . . . . .	1.00
(3) Receiving and distributing *moneys paid into court, for each dollar up to \$500 . . . . .	.02
For each dollar over \$500 . . . . .	.01
(4) Search for liens in defendant's index docket for 5 years past . . . . .	1.00
(5) Each entry found and cited in search . . . . .	.50
(6) Preparing and certifying search of defendant's judgment index and Federal lien index for 5 years past, for sheriff's distribution purposes . . . . .	5.00
(7) Docketing any paper not otherwise provided for . . . . .	1.00
(8) Docketing the service thereof . . . . .	1.00
(9) Oath to return of the service . . . . .	.50
(10) Certifying action of mortgage foreclosure to recorder of deeds . . . . .	1.00
(11) Filing report of school audit . . . . .	5.00

Section 41. Entry in Court \*\*Minutes.—The fees herein provided shall include entries in the court minutes when the same is required or directed.

Section 42. Similar Services.—The fees for services not herein specifically provided for shall be the same as for similar and comparable services.

Section 43. Commonwealth Taxes.—The fees herein provided shall be exclusive of any Commonwealth tax now or hereafter levied.

Section 44. Fees to Be Paid.—The prothonotary shall not be required to perform any services until the fee has been paid except upon direction of the court. Liability for payment of all prothonotary costs shall rest initially upon the party who incurred the same or who by his praecipe or motion precipitated the incurring of such costs.

Section 45. Specific Repeal.—The act of June 28, 1947 (P.L. 983), entitled "An act to ascertain and appoint the fees to be received by the several prothonotaries of

\* "montes" in original.  
 \*\* "Minute" in original.

the courts of common pleas of the Commonwealth in counties of the third, fourth, fifth, sixth, seventh and eighth classes; to provide the time of paying the same; and to repeal all acts inconsistent herewith," is repealed.

\*Section 46. General Repeal.—All other acts or parts of acts, general, special and local, are repealed in so far as they are inconsistent herewith.

Section 47. Effective Date.—This act shall take effect September 1, 1961.

APPROVED—The 20th day of July, A. D. 1961.

DAVID L. LAWRENCE

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No. 354

AN ACT

Amending the act of March 10, 1949 (P. L. 30), entitled "An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto," providing in certain cases for continuing operation of joint school systems which constitute approved administrative units.

Public School  
Code of 1949.

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

Section 1707.1,  
act of March 10,  
1949, P. L. 30,  
added August  
11, 1959, P. L.  
669, amended.

Section 1. Section 1707.1, act of March 10, 1949 (P. L. 30), known as the "Public School Code of 1949," added August 11, 1959 (P. L. 669), is amended to read:

Section 1707.1. Joint School System Operated by Union or Merged School Districts and Other Districts.—If one or more of the districts *comprising an approved administrative unit* operating a joint school system, or if one or more districts which are part of an approved administrative unit operating a joint school system, fails to unite with the other member districts and other districts comprising the approved administrative unit in the formation of a union or merged school district, the joint school organization shall continue in operation as a joint school system of the newly formed union or merged school district and the remaining districts unless discontinued under the provisions of section 1708, and the several school boards constituting the joint organization shall, prior to the effective date of the union or merged district, amend the articles of agreement to provide for an equitable plan for the continued operation of the joint school organization. In cases in which the member districts of

\* "Section" in original.