

No. 1994-156

AN ACT

SB 839

Amending the act of July 6, 1984 (P.L.614, No.127), entitled "An act establishing the fees to be charged and received by sheriffs," further providing for fees.

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

Section 1. Sections 3(a), 4(a), 5, 6(a), 8, 10, 11 and 14 of the act of July 6, 1984 (P.L.614, No.127), known as the Sheriff Fee Act, are amended to read:

Section 3. Civil and criminal actions.

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

- (1) Receiving, docketing and making return **[\$7.00] \$9.00**
- (2) Service, either personally by the sheriff or by copy served or posted:
 - (i) First serving **[7.00] 9.00**
 - (ii) Each additional defendant or person served or copy posted **[4.00] 6.00**
- (3) Making each copy served or posted **[3.00] 5.00**
- (4) Deputizing the sheriff of another county to enable the other sheriff to make service or accomplish an act **[5.00] 9.00**
- (5) Making a return of an item delivered to the sheriff too late to serve before expiration **[3.00] 5.00**
- (6) Return of non est inventus (person to be served cannot be found within the jurisdiction of sheriff) . . . **[3.00] 5.00**
- (7) Attesting each copy of a document which is to be served **[2.00] 4.00**
- (8) Service by publication in newspapers, in addition to the actual cost of publication and printing **[9.00] 15.00**
- (9) Taking an affidavit of one person **[1.50] 2.50**
- (10) Taking an affidavit of each additional person **[0.50] 1.00**

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Section 4. Real estate executions.

(a) General rule.—For executing court-issued writs or orders requiring the levy, seizure or sale of lands and tenements, the following fees apply and, unless otherwise stated in this section, shall be paid by the plaintiff, petitioner or other moving party:

(1) Receiving, docketing and making return	[\$7.00] \$15.00
(2) Serving or posting a notice or copy	[7.00] 15.00
(3) Levying on each separate piece or parcel of land	[7.00] 15.00
(4) Service of a writ against real estate of defendant requiring service on third party for each party	[9.00] 15.00
(5) Making immediate return of service on a garnishee when writ or other item is retained for further action	[3.00] 5.00
(6) Advertising public sale in newspaper, for each parcel of land, in addition to cost of publication and printer's bill	[9.00] 15.00
(7) Advertising public sale by handbills, for each parcel of land separately described by metes and bounds or otherwise, in addition to publication and printer's bills	[9.00] 15.00
(8) Each sale held subsequent to the first sale . . .	[7.00] 20.00
(9) Crying the sale of each separate parcel of land separately sold	[7.00] 10.00
(10) Distribution of proceeds	[9.00] 25.00
(11) Executing and acknowledging a deed to real property, payment to be made by grantee	[10.00] 30.00
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Section 5. Executing writs, orders and decrees.

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

(1) Receiving, docketing and making return	[\$7.00] \$9.00
(2) Summoning parties or persons in possession personally or by copy served or posted:	
(i) First service	[7.00] 9.00
(ii) Each additional service	[4.00] 6.00
(3) Making and certifying each copy served or posted	[4.00] 6.00
(4) Summoning and swearing special jurors	15.00
(5) Holding inquisition or appraisal of real estate	15.00
(6) Otherwise executing	[7.00] 9.00
(7) Serving by publication as required by law or order of court	[9.00] 15.00
(8) Delivering lands to plaintiff in inquisition or similar proceedings	[9.00] 25.00

Section 6. Executing writs.

(a) General rule.—For executing execution writs, fraudulent debtors attachment, retorno habendo, replevin, or order issued by a court requiring the

levy, seizure or sale of personal property, unless otherwise provided in this section, the party procuring execution shall pay the following fees:

- (1) Receiving, docketing and making return **[\$7.00] \$9.00**
- (2) Serving or posting a copy or notice **[7.00] 9.00**
- (3) Each levy on personal property **[10.00] 20.00**
- (4) Seizing personal property levied upon **[10.00] 15.00**
- (5) Making return of nulla bona (unable to find goods to levy upon) **9.00**
- (6) Advertising personal property for public sale by handbills **[9.00] 10.00**
- (7) Each adjourned sale **[7.00] 15.00**
- (8) Service upon a garnishee **[7.00] 9.00**
- (9) Receiving a claim of exemption or immunity and notifying parties in interest to the filing of the claim **[9.00] 12.00**
- (10) Receiving and docketing each claim to property or to proceeds produced by sale thereof, to be paid by claimant upon the filing of the claim **10.00**
- (11) Notifying an agency as required by law of the proposed sale of the property or franchise of a corporation or joint stock association, liquid fuels producer or distributor **[7.00] 10.00**
- (12) Appraising personal property under a statute or at the request of a party or arranging an appraisal by another **[10.00] 20.00**
- (13) Making arrangements to preserve property taken into legal custody including, but not limited to, obtaining a watchman, together with the cost of compensation for the watchman by the party benefited thereby or person requiring service **[10.00] 20.00**
- (14) Securing insurance; arranging goods for sale; furnishing heat, light, power, storage, rent, transportation and supplies; feeding livestock; and meeting similar expenses incurred in caring for and keeping the goods and chattels levied upon or attached, when the same are necessary or advantageous, or when requested by any party interested to incur any such expense, the actual costs thereof to be paid by the plaintiff, petitioner or party requiring same to be incurred, providing any surplus of advances for same to be refunded.

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Section 8. Property claims.

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

- (1) Receiving and filing of property claim **[\$10.00] \$12.00**

- (2) Staying the execution and providing notice 9.00
- (3) Making determination as to the owner of the property without hearing and filing in the prothonotary's office the determination and valuation 9.00
- (4) Determining ownership of property with a formal hearing and filing in the prothonotary's office the determination and valuation [18.00] 25.00
- (5) Appraising property by the sheriff and giving notice [10.00] 15.00

Section 10. Writs of ejectment or possession.

For executing writs of ejectment or possession, dower or similar writs requiring the delivery of possession of real property or ejecting or dispossessing a person of personal property, the claimant shall pay [\$20.00] \$30.00

Section 11. Warrants and attachments.

For executing a process, warrant, attachment, decree, sentence or order of the court, issued in court on a person or taking the defendant's body into custody, the party procuring the process, writ, order or decree or, if the Commonwealth is interested, the county, will pay the following fees:

- (1) Receiving, docketing and making return [\$7.00] \$9.00
- (2) Each arrest [20.00] 30.00
- (3) Each commitment to jail, correctional institution, asylum or place of detention pursuant to lawful order [10.00] 20.00
- (4) Removing a person from any place of confinement pursuant to lawful order [9.00] 20.00

Section 14. Licenses.

For issuing and recording of a license, the licensee shall pay, in addition to a fee payable to the county or Commonwealth, the following fees:

- (1) Issuing a license to sell firearms directly to a consumer [\$10.00] \$27.00
- (2) Issuing or reissuing a license to carry a firearm on or about one's person 5.00

Section 2. This act shall take effect in 30 days.

APPROVED—The 27th day of December, A.D. 1994.

ROBERT P. CASEY