



# Snyder County

Court House, P.O. Box 217 • Middleburg, Pennsylvania 17842-0217

(570) 837-4207 • FAX (570) 837-4282

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As of 8/27/2009

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### **RULES OF CIVIL PROCEDURE**

#### **17CV205.2(a) Physical Requirements for Pleadings and Other Legal Papers; Cover Sheets**

(1) All pleadings and other legal papers shall be printed in double space on white paper that is 8 ½ inches wide and 11 inches long, and shall be secured by appropriate metal or plastic fasteners. All exhibits shall be tabbed and labeled.

(2) All pleadings and other legal papers to be filed shall be accompanied by a cover sheet which shall include:

- (i) in the upper left-hand corner the name of the filing party, the name, address, and telephone number of the attorney representing the filing party, or if the party is not represented by counsel, the address and telephone number of the filing party;
- (ii) the full caption of the litigation;
- (iii) the title of the pleading or other legal paper; and the name and address of the attorney of record for any party, including the name of the attorney's firm, or a designation that a party without an attorney is pro se, and the pro se party's address.

(3) The cover sheet shall be substantially in the following form:

(NAME OF FILING PARTY)

(NAME OF FILING PARTY'S ATTORNEY OF RECORD )

_____ ,	:	IN THE COURT OF COMMON PLEAS
Plaintiff	:	OF THE 17 <sup>TH</sup> JUDICIAL DISTRICT
vs.	:	OF PENNSYLVANIA
_____ ,	:	_____ COUNTY BRANCH
Defendant	:	NO.
	:	
	:	
	:	
	:	
	:	
	:	

(NAME OF PLEADING OR OTHER LEGAL PAPER FILED)

(Name of party)

(Name of other party)

(Name of that party's attorney)

(Name of other party's attorney)

(Name of party)

(Name of other party)

(Name of that party's attorney)

(Name of other party's attorney)

**17CV206.1(a) Petitions**

No applications to the court other than those listed in Pa.R.C.P. No.206.1(a) have been designated by local rule as "Petitions."

**17CV206.4(c) Issuance of a Rule to Show Cause**

(1) Upon the filing of a petition, as that term is defined in Pa.R.C.P. No. 206.1, the party filing the petition shall file a proposed rule to show cause substantially in the form provided for in Pa.R.C.P. No. 206.5(d).

(2) Upon the filing of a petition and proposed rule to show cause the Prothonotary shall forward the said petition and proposed rule to show cause to the judge's chambers for review and consideration. If the Court determines that an evidentiary hearing is necessary or if oral argument has been requested the Deputy Court Administrator shall schedule the appropriate proceeding. The rule to show cause will then be signed by the Court and returned to the Prothonotary. The party filing the petition shall be responsible for service in accordance with the Pennsylvania Rules of Civil Procedure.

### **17CV208.2(c) Motions – Statement of Applicable Authority**

Any party filing a motion shall include a brief statement of the applicable authority empowering the court to grant the relief requested.

### **17CV208.2(d) Motions - Certification**

A motion shall, if appropriate, include a certification signed by counsel for the moving party or by a pro se moving party that the relief requested in the motion is uncontested. Absent such certification the Court will consider a motion to be contested by one or more of the parties to the litigation.

### **17CV208.2(e) Discovery Motions - Certification**

All motions relating to discovery shall include a certification signed by counsel for the moving party or by a pro se moving party that they have conferred or attempted to confer with all interested parties in order to resolve the matter without court action and that counsel or the pro se party has been unsuccessful in resolving the matter without court action.

### **17CV208.3(a) Motions – Filing Procedure**

In the event that a party files a motion that is not uncontested the motion shall be submitted accompanied by an order substantially in the form provided for in Pa.R.C.P. No. 208.4(b)(2). The original and a sufficient number of copies for all parties to the proceeding shall be filed with the Prothonotary. Upon the filing of a motion and proposed order the Prothonotary shall transmit the original of the motion and proposed order to the judge's chambers for review and consideration. If the Court determines that an evidentiary hearing is necessary or if oral argument has been requested the Deputy Court Administrator shall schedule the appropriate proceeding. Upon the Judge signing the order the original of the motion and order shall be

returned to the Prothonotary. The party filing the motion shall be responsible for service of the motion and order in accordance with the Pennsylvania Rules of Civil Procedure.

**17CV208.3(b) Motions – Responding Parties**

When a motion is filed that has not been certified as uncontested any party opposing the relief requested in the said motion shall file a response to the motion and a short statement citing appropriate authority in support of opposition to the said motion within twenty (20) days after service of the motion. Absent the filing of a response and brief in opposition to the motion the Court will consider the motion to be uncontested by any non-responding party.

**17CV216 CONTINUANCES**

**17CV216.1 Written Motion**

A Motion for Continuance shall be in writing, unless exceptional circumstances prevent a written motion. All motions averring facts not of records shall be verified. Before filing a written Motion for Continuance or making an oral motion for continuance every reasonable effort shall be made to notify and seek the agreement of all interested parties. A Motion for Continuance shall be made as soon as possible after the circumstances necessitating the request become known to the moving party.

**17CV216.2 Form of Motion**

**A.** A written Motion for Continuance in all **civil** cases shall be in substantially the following form:

**MOTION FOR CONTINUANCE**

NOW COMES \_\_\_\_\_, by and through (his) (her) (its) attorney,  
(Name of Party)

\_\_\_\_\_, Attorney, and moves for a continuance as follows:  
(Name of Attorney)

1. The above captioned matter is scheduled for

\_\_\_\_\_  
(Nature of proceeding, i.e., argument, hearing, trial, etc.)  
on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_m. before

\_\_\_\_\_  
(Name of judge, master, etc.)

2. The moving party for said proceeding is

\_\_\_\_\_  
(Name of party whose claim is to be heard)

3. The opposing parties are:

\_\_\_\_\_ represented by: \_\_\_\_\_  
\_\_\_\_\_ represented by: \_\_\_\_\_  
\_\_\_\_\_ represented by: \_\_\_\_\_  
\_\_\_\_\_ represented by: \_\_\_\_\_

4. The proceeding was scheduled by \_\_\_\_\_ dated \_\_\_\_\_.

(Order or Notice)

(Date)

A copy of the said Order is attached hereto and marked as "Exhibit A."

5. The proceeding (has) (has not) been previously continued \_\_\_\_\_ time(s).  
The moving party has obtained a continuance \_\_\_\_\_ time(s).

6. A continuance is requested because

\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
If the continuance is requested because of a conflicting court matter, a copy of the Order scheduling the conflicting court matter is attached hereto and marked as "Exhibit B."

7. \_\_\_\_\_ The following parties have been notified of this request and have no objection:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ The following parties have not been notified of this request:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Efforts to notify the opposing parties include:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ The following parties objected to the continuance for the reason stated herein: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

8. I hereby certify that if a continuance is granted I will serve a copy of the order granting the continuance on all parties forthwith and that I will notify all witnesses who would be appearing at my request.

9. I specifically request a continuance

\_\_\_\_\_ of not less than \_\_\_\_\_

\_\_\_\_\_ of not more than \_\_\_\_\_ (or)  
\_\_\_\_\_ to the next available date.

Respectfully submitted,

**B.** All written motions requesting a continuance shall include a proposed Order, which shall be placed on top of the Motion for Continuance. The proposed Order shall be in substantially the following form:

**ORDER**

**AND NOW**, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, upon consideration of the attached motion of \_\_\_\_\_ requesting  
(Moving party)

a continuance:

\_\_\_\_\_ the motion is denied.

\_\_\_\_\_ the motion is granted and the matter scheduled for \_\_\_\_\_ at  
(Date)

\_\_\_\_\_ .m. before \_\_\_\_\_ is hereby continued until  
(Time) (Name of judge, master, etc.)

\_\_\_\_\_ at \_\_\_\_\_ .m. The moving party shall promptly notify all  
(Date) (Time)  
interested parties of this Order and shall serve a copy of this Order upon them.

BY THE COURT:

\_\_\_\_\_  
Judge

**17CV1018.1 Notice to Defend**

As provided by Pa.R.C.P. No. 1018.1(c) the following offices are designated as the office to be named in the Notice to Defend where legal help may be obtained:

For cases filed in Snyder County:  
Office of the Court Administrator  
Snyder County Courthouse  
P.O. Box 217  
Middleburg, PA 17842  
(570) 837-4238  
For cases filed in Union County:  
Office of the Court Administrator  
Union County Courthouse  
103 S. Second Street  
Lewisburg, PA 17837  
(570) 524-8641

**17CV1028(c) Preliminary Objections**

(1) All preliminary objections shall be accompanied by a brief in support of the preliminary objections. All briefs shall be filed in duplicate. Upon the filing of preliminary objections and a supportive brief a copy of the brief shall be forwarded to the judge’s chambers by the Prothonotary;

(2) The party filing the preliminary objections shall file an affidavit of service within five (5) days of the service of the preliminary objections;

(3) Absent the filing of an amended pleading, the party whose pleading is the subject of the preliminary objections shall file a brief in opposition to the preliminary objection within twenty (20) days of service of the preliminary objection. All briefs shall be filed in duplicate. Upon the filing of brief in opposition to the preliminary objections a copy of the brief shall be forwarded to the judge’s chambers by the Prothonotary. Absent the filing timely of the said brief the Court will consider the preliminary objections to be unopposed by the non-responding party;

(4) If a party wishes to have an evidentiary hearing or oral argument that party, at the time of the filing of their preliminary objections or their answer or responsive brief, shall submit a scheduling order substantially in the following form:

**CAPTION  
SCHEDULING ORDER**

**AND NOW**, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, the (objecting) (answering) party having requested (oral argument) (and) (evidentiary hearing) on the preliminary objection and any answer thereto, it is hereby ORDERED that (hearing) (and) (argument) shall be held on the \_\_\_\_\_ **day of** \_\_\_\_\_, **20**\_\_\_\_, \_\_\_\_\_ **o’clock** \_\_\_\_\_ **.m. in the Courtroom of the** \_\_\_\_\_ **County**

**Courthouse, \_\_\_\_\_, \_\_\_\_\_ County, Pennsylvania.**

\_\_\_\_\_ (\_\_\_\_\_) minutes have been allocated for the purposes of the said  
(hearing) (and) (argument).

In the event that a party against whom the preliminary objections has been  
filed  
fails to file timely an answer and/or responsive brief to the said preliminary  
objections this  
Order will be deemed to have been vacated without further Order of the Court and  
no  
hearing and/or argument shall be held on the date scheduled herein.

**BY THE COURT:**

(5) A request for oral argument or a hearing shall be accompanied by a list of dates when  
counsel for the requesting party, or the requesting party if pro se, counsel for the opposing party  
or parties, and any pro se opposing party are available for argument and/or hearing. The list  
shall be for dates not less than twenty (20) days nor more than sixty (60) days after the filing of  
the request. Failure to provide the said list shall cause the court to decline to consider the  
request.

(6) Failure to request oral argument in accordance with this rule shall constitute a waiver  
of oral argument. Argument by the objecting and any answering parties shall be limited to a total  
of fifteen (15) minutes unless, at the time of the filing of the proposed preliminary objection or  
responsive brief, the party requesting argument certifies to the court that additional time is  
necessary. Any party requesting a hearing shall be responsible for completing the proposed  
order with a good faith estimate as to the amount of time that party believes will be necessary for  
a complete hearing and argument on the pending preliminary objections;

(7) Upon the entry of an order scheduling hearing and/or argument it shall be the responsibility of the party requesting hearing and/or argument to serve the order on all other parties.

**17CV1034(a) Motions for Judgment on the Pleadings**

(1) A motion for judgment on the pleadings filed pursuant to Pa.R.C.P. No. 1034 shall be accompanied by a brief. All briefs shall be filed in duplicate. Upon the filing of a motion for judgment on the pleadings and a supportive brief a copy of the brief shall be forwarded to the judge's chambers by the Prothonotary.

(2) Within five (5) days after service of the motion and brief upon the other parties the party filing the motion shall file a certificate of service.

(3) All parties opposing the said motion shall file a response and a brief in support of their response within twenty (20) days of the service of the motion. All briefs shall be filed in duplicate. Upon the filing of a brief in support of the response a copy of the brief shall be forwarded to the judge's chambers by the Prothonotary.

(4) Absent the filing timely of a response and brief in support of the response the Court will consider the motion to be unopposed.

(5) Any party seeking oral argument shall, at the time of the filing of their motion or response, file an original and a sufficient number of copies of a scheduling order substantially in the form provided for in 17CV1028(c)(4).

(6) A request for oral argument or a hearing shall be accompanied by a list of dates when counsel for the requesting party, or the requesting party if pro se, counsel for the opposing party or parties, and any pro se opposing party are available for argument and/or hearing. The list shall be for dates not less than twenty (20) days nor more than sixty (60) days after the filing of

the request. Failure to provide the said list shall cause the court to decline to consider the request.

(7) Failure to request oral argument in accordance with this rule shall constitute a waiver of oral argument. Upon the receipt of a proposed scheduling order the Prothonotary shall transmit the original of that order to the Deputy Court Administrator. Argument on the said Motion and any response thereto shall be limited to a total of fifteen (15) minutes, unless, at the time of the filing of the proposed scheduling order the party requesting argument certifies that additional time is necessary. If additional time is necessary the party submitting the proposed scheduling order shall make a good faith estimate as to the total amount of time needed for argument by all parties. The party requesting oral argument shall be responsible for serving a true and correct copy of the scheduling order on all of the parties.

#### **17CV1035.2(a) Motions for Summary Judgment**

(1) A party filing a motion for summary judgment, shall, at the time of the filing of the said motion, file a brief in support thereof. All briefs shall be filed in duplicate. Upon the filing of a motion for summary judgment and a supportive brief a copy of the brief shall be forwarded to the judge's chambers by the Prothonotary.

(2) Within five (5) days after service of the motion and brief upon the other parties the party filing the motion shall file a certificate of service.

(3) A party filing a response pursuant to Pa.R.C.P. No. 1035.3(a) shall file a brief in support of their response contemporaneously with the filing of that response. All briefs shall be filed in duplicate. Upon the filing of a brief in support of the response a copy of the brief shall be forwarded to the judge's chambers by the Prothonotary.

(4) Absent the filing timely of a response and brief in support of the response the court will consider the motion to be unopposed.

(5) Any party seeking oral argument shall, at the time of the filing of their motion or response, file an original and a sufficient number of copies of a scheduling order substantially in the form provided for in 17CV1028(c)(4).

(6) A request for oral argument or a hearing shall be accompanied by a list of dates when counsel for the requesting party, or the requesting party if pro se, counsel for the opposing party or parties, and any pro se opposing party are available for argument and/or hearing. The list shall be for dates not less than twenty (20) days nor more than sixty (60) days after the filing of the request. Failure to provide the said list shall cause the court to decline to consider the request.

(7) Failure to request oral argument in accordance with this rule shall constitute a waiver of oral argument. Upon the receipt of a proposed scheduling order the Prothonotary shall transmit the original of that order to the Deputy Court Administrator. Oral argument shall be limited to a total of one-half (1/2) hour unless a party at the time of the filing of their proposed scheduling order certifies that additional time will be necessary. That party will be responsible for making a good faith estimate as to the total amount of time the parties will need for argument. The party requesting oral argument shall be responsible for serving a true and correct copy of the scheduling order on all of the parties.

## **17CV1301 ARBITRATION**

### **17CV1301.1 Cases for Submission.**

A. Compulsory arbitration of matters as authorized by Section 7361 of the Judicial Code, 42 Pa.C.S. Section 101, *et seq.* shall apply to all cases at issue where the amount in controversy

shall be Fifty Thousand Dollars (\$50,000) or less. The amount in controversy shall be determined from the pleadings or by an agreement of reference filed by the attorneys. The amount in controversy, when determined from the pleadings, shall be the largest amount claimed by any one party. In the event that a case within arbitration limits is consolidated with a case involving more than arbitration limits after the former has been referred to a board of arbitrators, the order of consolidation will remove the same from the jurisdiction of the board of arbitrators.

**B.** A civil action will be referred to arbitration (20) days after the filing with the Prothonotary and the Court Administrator of a Praecipe signed by either party or its counsel indicating the matter is ready for arbitration. If the other party objects to the filing, that party shall, within the (20) days, file a motion requesting delay in the appointment of arbitrators pending completion of the pre-trial discovery and filings. The objection shall specifically indicate the matters that must be preliminarily resolved and shall propose a timetable for their completion.

**C.** Cases subject to arbitration shall be subject to the status and calendar orders then prevailing with regard to the civil docket. Such cases shall not be scheduled for a pretrial conference if the status as an arbitration case can readily be determined from examination of the docket entries. If the discovery deadline has expired at the time of the pretrial conference for contemporaneously filed cases, the matter shall be scheduled by the Court Administrator for disposition by arbitration.

**D.** All cases heard under these rules shall be governed in all other respects by the laws of the Commonwealth of Pennsylvania enacted regarding arbitration proceedings.

#### **17CV1301.2 Agreement of Reference**

Matters not in litigation may be referred to a board of arbitrators by an agreement of reference, signed by counsel for all sides in the case. Such agreement shall be filed with the Prothonotary, who will forward a copy to the court administrator. Said agreement shall define the issue involved for determination by the board and, when agreeable, shall also contain stipulations with respect of facts. In such cases, the agreement shall take the place of the pleadings in the case and be filed of record.

**17CV1302 LIST OF ARBITRATORS.**

**A.** Upon receipt of a Praeceptum, the Court Administrator shall nominate, from the list of attorneys, a board of potential arbitrators. The nominations shall be made in a rotational fashion from the members of the bar eligible for assignment, except where an attorney is excused by reason of incapacity, illness, or other disqualification. The Court Administrator shall further be responsible for apportioning assignments between members with more than five years' experience and those under five years. No more than one member of a family, firm, professional corporation or association shall be nominated to serve on one potential board.

**B.** The Court Administrator shall nominate to the potential board 3 attorneys plus 1 additional attorney for each party of record. The list of attorneys nominated to the potential board shall be sent by the Court Administrator to each party or his or her attorney within 7 days of the receipt of the praecipe. Each party in the case or counsel for each party may strike off up to 1 attorney so named and return the list to the Court Administrator. If any or all parties strike the same name or fail to exercise their right to strike off any names from the potential board, the first 3 remaining names will make up the board of arbitration. In the event the Court Administrator cannot compile a list of sufficient names from the county in which the case arose, because of incapacity, illness or other disqualification, other attorneys whose practice is within the judicial district, regardless of county, may be included.

C. As soon as the Court Administrator receives the returned list from the parties (or after 7 days if any list is not returned) each arbitrator shall be notified of his or her selection. A final board shall be sent to the attorneys of the parties.

### **17CV1303 HEARINGS**

#### **17CV1303.1 Scheduling of Hearings.**

A. Upon receipt of a praecipe, pursuant to 17CV1302, the Court Administrator shall schedule the case to be arbitrated for a one-half day hearing, no sooner than 45 days from the date of the praecipe, to commence either at 9:00 a.m. or 1:00 p.m.

B. The hearings shall be held in the separate courthouses in either Union County or Snyder County in either the Hearing Room or the Jury Room designated for that purpose. The chair may, if appropriate, schedule the arbitration hearing at such other location as would be more convenient to the parties, witnesses, counsel or arbitrators, on the same date as would otherwise apply.

C. After having been identified as a member of an arbitration panel under the methods set forth previously in Section 17CV1302, and after having been scheduled to serve on an arbitration panel on a date certain, pursuant to (A) above, should an arbitrator be unable to serve due to a conflict of interest, conflict in scheduling, or other such reason, that arbitrator shall inform the Court Administrator, who shall appoint a successor arbitrator.

#### **17CV1303.2 Conduct of Hearings.**

The conduct of all hearings, generally and with respect to the admissibility of evidence, shall be as set forth in Pa.R.C.P. Nos. 1304, 1305, and 1038(a). Arbitrators shall exercise reasonable restraint in the questioning of witnesses. Witness fees shall be taxed as costs, as in other actions.

#### **17CV1303.3 Continuances.**

Continuances shall be granted only by court order for good cause shown on notice sent by the Court Administrator to the parties and the court. Requests for continuances shall be submitted in writing in the form of a motion. A motion for continuance should be filed not later than 3 days prior to the scheduled date for the arbitration hearing.

If a party fails to appear at a scheduled arbitration hearing, the arbitrators shall proceed as set forth in Pa.R.C.P. 1303 and 1304.

**17CV1306 AWARDS.**

A. After the case has been heard, the arbitrators shall make their report/award, which shall be signed by at least a majority of them. An award must be submitted within 10 days after the day of the hearing or the last adjournment thereof.

B. The award shall be filed with the Prothonotary.

C. The Prothonotary shall enter the award of the arbitrators in the docket and shall index the same in the judgment index. If an appeal is taken, the Prothonotary shall notify the Court Administrator, who shall place it on the next pretrial list.

D. Upon the award being indexed, the Prothonotary shall give immediate written notice of the award to all the parties, or their attorneys, by regular mail and a copy to the Court Administrator.

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**17CV1308 COMPENSATION OF ARBITRATORS.**

A. The chair of the board of arbitrators shall receive compensation in the amount of \$150.00 per case; the other members of the board shall receive compensation in the amount of \$100.00 per case.

**B.** Each arbitrator shall be entitled to receive additional compensation at the rate of \$25.00 per hour in any case in which the actual time spent in the hearing exceeds three and one-half (3 ½) hours. In the event the case is continued after the arbitrators have convened, either before or after testimony has begun, the time required of the arbitrators during the first scheduled hearing shall be aggregated with the time required during the second hearing. To the extent that such aggregated time is less than three and one-half (3 ½) hours, the fee set forth in Subsection A of this rule shall be applicable. To the extent that such aggregated time exceeds three and one-half (3 ½) hours, the hourly rate set forth herein shall be due for the hours in excess of three and one-half (3 ½) hours.

**C.** Upon the filing of the board's report or award, the Prothonotary shall certify to the County Treasurer that the report and award, if any, has been filed, together with the names of the members of the board serving in the case. The county shall then pay the aforesaid fee to each member of the board serving on the case in accordance with Subsection A of this rule.

**D.** In the event that a case shall be settled, withdrawn, or otherwise terminated by or between the parties at any time subsequent to the filing of a praecipe requesting the appointment of a Board of Arbitrators but prior to the naming of that board by the Court Administrator pursuant to 17CV1302, the party filing the praecipe for appointment of a Board of Arbitrators shall cause notice of the settlement, withdrawal, or termination of the action to be served upon the Court Administrator. In the event that a case shall be settled, withdrawn, or otherwise terminated by or between the parties at any time subsequent to the notification to each arbitrator, as provided for in 17CV1302.C, but prior to the date scheduled for hearing, the party filing the praecipe for appointment of a Board of Arbitrators shall be responsible for causing notice of the settlement, withdrawal, or termination to be served upon the Court Administrator and each of the

arbitrators. In the event that the notice provided for in the preceding sentence is given in a timely manner, the board members shall not be entitled to any fees. In the event that the notice is not given in a timely manner, and an arbitrator or the arbitrators appear for the scheduled hearing, the party who moved for appointment of the arbitrators shall be responsible for paying the fees provided for in this rule. The foregoing notwithstanding, if the case is settled, withdrawn, or otherwise terminated by or between the parties on the date scheduled for the hearing, but prior to the scheduled starting time, the arbitrators shall be entitled to one-half (1/2) of the base fee as set forth in Subsection A of this rule.

**E.** The Prothonotary shall not mark or certify a case settled or discontinued until the attorney for the plaintiff has presented his or her praecipe in proper form.

#### **17CV1309 APPEALS.**

**A.** Any party to the proceeding may appeal from the decision or award of the arbitrators to the Court of Common Pleas, upon prepayment to the county of the fees of the members of the board. Said appeal shall be taken not later than 30 days after the date of the entry of the award of the arbitrators on the docket. Repayment to the County of the fees of the members of the board shall not be taxed as costs or be recoverable in any proceeding. A de novo appeal shall be allowed as a matter of course upon the filing of the affidavit of appeal and recognizance, and upon the aforesaid repayment of the arbitrators' fees.

**B.** The Prothonotary shall notify the Court Administrator of all appeals from arbitration. All arbitration appeals shall immediately be scheduled by the Court Administrator for pretrial conference and trial at the earliest practical date.

**C.** If no appeal is filed within 30 days, judgment shall be taken on the award.

#### **17CV1901 PROTECTION FROM ABUSE**

##### **17CV1901.1 Appearance by Attorney**

The appearance of an attorney on behalf of a party to a proceeding filed pursuant to the Protection From Abuse Act, 23 Pa.C.S.A. §6101, et seq., (“the Act”), shall terminate upon the entry of a final order or the discontinuance or withdrawal of the action, as that term is defined in Pa.R.C.P. No. 1901, whichever shall first occur.

**17CV1901.2 Discontinuance Prior to the Entry of Final Order**

A. In the event the Plaintiff wishes to discontinue an action after the entry of a temporary order, the Plaintiff shall file a praecipe in the following form:

PRAECIPE

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, I,  
\_\_\_\_\_, Plaintiff, being of the belief that I am no longer in danger from the Defendant, and that I am no longer in need of protection from him/her, do hereby request that the Temporary Order entered on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, be vacated, and that the Petition filed in this matter by me be marked as withdrawn.

\_\_\_\_\_  
Plaintiff

B. Contemporaneously with the filing of the praecipe provided for in 17CV1901.2A, the Plaintiff shall pay any and all applicable court costs. In the event that the Plaintiff asserts that the Plaintiff is unable to pay the said costs, Plaintiff shall submit the affidavit provided for in Pa.R.C.P. No. 240(h). The court will then review the said affidavit to determine if the court will waive the said court costs.

**17CV1901.3 Discontinuances After Entry of Final Order**

A. In the event the Plaintiff wishes to discontinue an action under the Act after the entry of a final order granting relief pursuant to the Act, the Plaintiff may, with the written concurrence of the Defendant, file a praecipe requesting said relief in the following form:

PRAECIPE

**AND NOW**, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, I,  
\_\_\_\_\_, Plaintiff, being of the belief that I am no longer in danger  
from the Defendant, and that I am no longer in need of protection from him/her, do hereby  
request that the final Order entered in this matter on the \_\_\_\_\_ day of  
\_\_\_\_\_, 20\_\_\_\_, be vacated, and that the Petition filed in this matter by me  
be marked as withdrawn.

\_\_\_\_\_  
Plaintiff  
I, \_\_\_\_\_, Defendant, do consent to the final Order entered in this  
matter on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, being vacated so that it is of no  
further force and effect.

\_\_\_\_\_  
Defendant  
Date: \_\_\_\_\_

**B.** The party responsible for the payment of costs, as provided for in the final order  
which the Plaintiff is requesting be vacated, must pay those costs prior to the court entering an  
order vacating the final order.

#### **17CV1901.4 Modification of Final Order**

A party filing a motion to modify a final order entered pursuant to the Act shall be  
responsible for paying the filing fee for the filing of such a motion. If the party moving for the  
modification is the party ordered in the final order to pay the initial court costs the initial court  
costs shall be paid prior to the filing of the motion seeking modification of the final order.

#### **17CV1901.5 Modification of Custody Provisions of Final Order**

The modification of the custody provisions of a final order entered pursuant to the Act  
shall not be addressed in the underlying action. A party seeking the modification of the custody  
provisions of a final order entered pursuant to the Act shall initiate a new custody case by the

filing of a custody complaint in the form mandated by Pa.R.C.P. No. 1915.15(a). If such a complaint is filed *pro se* it shall be referred directly to a judge of this court, and shall be processed through the *pro se* custody conference mechanism utilized in other *pro se* custody cases.

**17CV1915.4. Prompt Disposition of Custody Cases: Mediation Orientation Session.**

(a). In any custody action the parties shall within forty-five (45) days of the date of filing of the pleading raising the custody claim attend the Court-approved mediation orientation session, as provided for in Pa.R.C.P. No. 1940.3 and 17CV1940.3. The mediation orientation session shall be completed before any hearing is scheduled before the Court.

(b) The term “custody action” includes: any action for divorce containing a claim for custody, partial custody, or visitation; any initial action for custody, partial custody, or visitation; any counterclaim for custody, partial custody, or visitation; any petition for modification of an existing custody order; and any petition for contempt in regard to an existing order of custody.

(c) The parties governed by these rules include parents, persons in loco parentis, and grandparents.

(c). At the time of filing of the custody action there shall be submitted to the Court an orientation session Order containing the case caption which shall be substantially in the following form:

**MEDIATION ORIENTATION SESSION ORDER**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_, it is hereby ORDERED that that the above-named parties shall within ten (10) days of the date of receipt of a copy of this Order contact the Court-approved Mediation Program Administrator at \_\_\_\_-\_\_\_\_-\_\_\_\_ to schedule a mediation orientation session, such session to be conducted within forty-five (45) days of the filing date of the custody pleading accompanying this Order. No hearing shall be scheduled before the Court until the mediation orientation session has been completed.

**FAILURE TO COMPLY WITH THE FOREGOING ORDER MAY RESULT IN THE IMPOSITION OF SANCTIONS (INCLUDING A DISMISSAL OF THE CUSTODY ACTION, DENIAL OF A HEARING, OR AWARD OF COUNSEL FEES) AND/OR A FINDING OF CONTEMPT.**

BY THE COURT:

\_\_\_\_\_

(c). After the Mediation Orientation Session Order has been signed by the Court and filed of record the filing party shall, in addition to making service of any pleading filed by the party as required by law, at the same time and in the same manner serve a copy of the said Order on any other party. The filing party shall immediately file a proof of service with the Court. The Court shall be responsible for sending a copy of the Mediation Orientation Session Order to the Mediation Program Administrator.

(d). Each party shall contact the court-approved Mediation Program Administrator at the phone number set forth in the Mediation Orientation Session Order to schedule their attendance at the orientation session.

### **17CV1940.3. Order for Orientation Session.**

(a). Except as set forth in subsection (e) or otherwise ordered by the Court all parties to a custody action shall participate in a mediation orientation session pursuant to 17CV1915.4. The mediation orientation session shall be completed before any hearing is scheduled before the Court.

(b). A mediation orientation session is an initial meeting between the parties and a qualified mediator which is intended to educate the parties concerning the mediation process so that an informed choice can be made by the parties about participation in mediation. The mediation orientation session shall be considered part of the mediation process and shall be confidential.

(c). The Mediation Program Administrator shall immediately notify the Court upon the occurrence of any of the following events:

(1). A party fails to contact the Mediation Program Administrator within the ten (10) day period provided in the Mediation Orientation Session Order;

(2). A party does not appear for a scheduled orientation session;

(3). The parties are unable to complete either the orientation session or mediation.

(e). No orientation session shall be required if a party or a child of a party is or has been the subject of domestic violence or child abuse by another party either during the pendency of the custody action or within 24 months preceding the filing of the custody action.

### **17CV1940.5. Duties of the Mediator.**

(a). All mediation communications and mediation documents, as those terms are defined in 42 Pa.C.S.A. §5949, are privileged.

(b). No party, mediator, or other person who participates in mediation may be called as a witness, or otherwise compelled to reveal any matter disclosed in mediation.

**CRIMINAL LOCAL RULES**

**17CR106 CONTINUANCES**

**17CR106.1 Written Motion**

A Motion for Continuance shall be in writing, unless exceptional circumstances prevent a written motion. All motions averring facts not of records shall be verified. Before filing a written Motion for Continuance or making an oral motion for continuance every reasonable effort shall be made to notify and seek the agreement of all interested parties. A Motion for Continuance shall be made as soon as possible after the circumstances necessitating the request become known to the moving party.

**17CR106.2 Form of Motion**

A. A written Motion for Continuance in a **criminal** case shall be in substantially the following form:

**MOTION FOR CONTINUANCE**

NOW COMES \_\_\_\_\_, by and through (his)(her) (its)  
(Name of party)  
attorney, \_\_\_\_\_, Attorney, and moves for a continuance as follows:  
(Name of Attorney)

1. The above captioned matter is scheduled for  
\_\_\_\_\_  
(Nature of proceeding, i.e., arraignment, omnibus pre-trial hearing, trial, etc.)  
on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_m. before  
\_\_\_\_\_  
(Name of Judge)

2. The opposing party is: \_\_\_\_\_ represented by  
\_\_\_\_\_.

3. The proceeding was scheduled by \_\_\_\_\_ dated \_\_\_\_\_.  
(Notice or Order)

A copy of said Order is attached hereto and marked as "Exhibit A."

4. The proceeding (has) (has not) been previously continued \_\_\_\_\_ time(s). The moving party has obtained a continuance \_\_\_\_\_ time(s).

5. A continuance is requested because \_\_\_\_\_

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If the continuance is requested because of a conflicting court matter, a copy of the Order scheduling the conflicting court matter is attached hereto and marked as "Exhibit B."

6. \_\_\_\_\_ The opposing party has been notified of this request and has no objection.

\_\_\_\_\_ The opposing party has not been notified of this request.

Efforts to notify the opposing party include:

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\_\_\_\_\_ The opposing party objected to the continuance for the reasons stated herein:

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7. I hereby certify that if a continuance is granted I will serve a copy of the order granting the continuance on all parties forthwith and that I will notify all witnesses who would be appearing on my request.

8. I specifically request a continuance:

\_\_\_\_\_ of not less than \_\_\_\_\_

\_\_\_\_\_ of not more than \_\_\_\_\_ or

\_\_\_\_\_ to the next available date.

Respectfully submitted,

---

**B.** All written motions requesting a continuance shall include a proposed Order, which shall be placed on top of the Motion for Continuance. The proposed Order shall be in substantially the following form:

**ORDER**

**AND NOW**, \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, upon consideration of the attached motion of \_\_\_\_\_ requesting a continuance:

\_\_\_\_\_ the motion is denied.  
\_\_\_\_\_ the motion is granted and the \_\_\_\_\_ scheduled for \_\_\_\_\_ (Matter being continued)

\_\_\_\_\_ at \_\_\_\_\_ .m. before \_\_\_\_\_ is  
(Date) (Time) (Name of Judge)  
hereby continued until \_\_\_\_\_ at \_\_\_\_\_ .m.  
(Date) (Time)

The moving party shall promptly notify all interested parties of this Order and shall serve a copy of this Order upon them.

BY THE COURT:

\_\_\_\_\_  
Judge

**17CR117 COVERAGE: ISSUING WARRANTS; PRELIMINARY ARRAIGNMENTS AND SUMMARY TRIALS; AND SETTING AND ACCEPTING BAIL**

**1. Magisterial District Judge offices shall be open to meet the needs of the public and the court for regular business on Mondays through Fridays, excluding holidays, during hours established by Order of the President Judge.**

**2. Continuous coverage for the issuance of search warrants and arrest warrants, the holding of preliminary arraignments and summary trials, the setting and accepting of bail and collateral, and the accepting of complaints shall be by the traditional on-call system as presently established. The President Judge shall establish the schedule of assignment of Magisterial District Judges to on-call duty.**

**3. An on-call Magisterial District Judge and the Clerk of Courts shall accept bail in accordance with the provisions of the Pennsylvania Rules of Criminal Procedure. Only the Clerk of Courts shall accept the posting of realty.**

**17CR0574 MOTIONS—REPRESENTATIONS TO THE COURT**

All motions filed with the Court must be written, shall contain a certification by counsel for the movant, or by the movant if not represented by counsel, that he or she has sought concurrence in the motion from each party, and that it has been either given or denied. No motion shall be filed without a certification of concurrence or nonconcurrence. Every motion which has been concurred with by all parties shall be accompanied by a form of order which, if approved by the Court, would grant the relief sought in the motion. Every motion that is not concurred with by all parties shall be accompanied by a form of order which includes alternative provisions for either a rule returnable for answer only or to schedule a date for hearing and argument before the court. Effective

\_\_\_\_\_, 20\_\_

**ORPHANS' COURT**

**17OC006.1 - FORM OF ACCOUNT**

A. In addition to the requisites of the form of the account of Pa.O.C.Rule 6.1, the account shall contain at the end of the disbursement section a subsection under the heading "ATTORNEY'S AND FIDUCIARY'S FEES, COMMISSIONS, AND EXPENSES", which shall indicate separately the total amount of all the disbursements which have been made for the purpose of paying attorney's fees and expenses, and the total amount of all disbursements which have been made for the purpose of paying the fiduciary's fees or commissions and which have been made for the purpose of paying the fiduciary's expenses. This subsection shall be substantially in the following form:

<b>ATTORNEY'S AND FIDUCIARY'S FEES</b>			
<b>COMMISSIONS, AND EXPENSES</b>			
Total	Attorney's	Fees	
<hr style="width: 100%;"/>			
Total	Attorney's	Expenses	
<hr style="width: 100%;"/>			
<b>TOTAL</b>			
<hr style="width: 100%;"/>			
Total	Fiduciary's	Fees	and
Commissions			
Total	Fiduciary's	Expenses	
<hr style="width: 100%;"/>			

TOTAL

**17OC006.3 - NOTICE OF FILING ACCOUNT AND STATEMENT OF PROPOSED DISTRIBUTION**

A. Written notice of the filing of an account, and, unless an audit has been requested, for the filing of a statement of proposed distribution shall be given by the accountant no more than ten (10) days after the filing of the account to all those required to be given notice by Pa.O.C. Rule 6.3. A copy of the statement of proposed distribution shall be attached to the notice. A copy of the account and a verified inventory of all real and personal property of the deceased shall be attached to the notice given to all residuary legatees and all claimants and distributees who are not being paid in full.

B. Immediately upon the filing of the account and a statement of proposed distribution, the Clerk shall give notice of the filing by publication in one newspaper of general circulation within the county once each week for three (3) successive weeks immediately prior to the date of confirmation.

C. The written notice of the filing of the account and statement of proposed distribution shall be substantially in the following form:

IN RE:	:	IN THE COURT OF COMMON PLEAS
ESTATE OF:	:	OF THE 17 <sup>TH</sup> JUDICIAL DISTRICT
_____	:	OF PENNSYLVANIA
Deceased	:	_____ COUNTY BRANCH
	:	
	:	ORPHANS' COURT DIVISION
	:	
	:	NO. OC-0000-0000
	:	

TO: (Name(s) and Address(es) of Person(s) to be Notified.)

**NOTICE**

You are hereby notified that the accountant has filed an account and statement of proposed distribution and a verified inventory of all real and personal estate of the deceased in the Office of the Clerk of Orphans' Court of \_\_\_\_\_ County,

\_\_\_\_\_ County Courthouse, \_\_\_\_\_, Pennsylvania  
\_\_\_\_\_. A copy (copies) of the statement of proposed distribution (account and inventory) is (are) attached.

If you object to any portion of the account or statement of proposed distribution you must file objections with the Clerk of Orphans' Court not later than \_\_\_\_\_, which is the Monday before the account and statement of proposed distribution will be confirmed by the Court. You are hereby warned that if no objections are filed, the account and statement of proposed distribution will be confirmed and distribution will be made in accordance with the schedule of distribution. If you have any questions concerning this notice you should contact your attorney or the accountant's attorney.

\_\_\_\_\_  
(Accountant or Accountant's Attorney)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(Telephone Number)

D. The written notice of the filing of the account and request for the appointment of an auditor shall be substantially in the form set forth below:

IN RE:	:	IN THE COURT OF COMMON PLEAS
ESTATE OF:	:	OF THE 17 <sup>TH</sup> JUDICIAL DISTRICT
_____	:	OF PENNSYLVANIA
Deceased	:	_____ COUNTY BRANCH
	:	
	:	ORPHANS' COURT DIVISION
	:	
	:	NO. OC-0000-0000
	:	

TO: (Name(s) and Address(es) of Person(s) to be Notified.)

**NOTICE**

You are hereby notified that the accountant has filed in the Office of the Clerk of Orphans' Court of \_\_\_\_\_ County, \_\_\_\_\_ County

Courthouse, \_\_\_\_\_ Pennsylvania \_\_\_\_\_ an account and a request for the Court to appoint an auditor. The auditor will decide any issues of law or fact raised by interested parties and determine the distribution to be made of the assets of the estate. You will be notified of the date, time, and place any hearings to be held by the auditor.

\_\_\_\_\_  
(Accountant or Accountant's Attorney)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(Telephone Number)

E. An affidavit which sets forth the names and addresses of those who were given written notice and the method of service of the notice shall be filed by the accountant prior to confirmation.

F. If the Pennsylvania Orphans' Court Rules require that notice be given to any other interested party or parties, proof of service of said notice and a copy of any response thereto shall be filed by the accountant prior to confirmation.

**17OC006.9 - STATEMENT OF PROPOSED DISTRIBUTION**

A. Every fiduciary filing an account in which a distribution has been or is to be made, shall file with the Clerk a statement of proposed distribution substantially in the form set forth in 17OC006.9.C. When real estate is to be distributed, the description of said real estate shall be by metes and bounds when such a description is available.

B. When the fiduciary who files the account does not file a statement of proposed distribution, he or she shall request the appointment of an auditor. This request shall be by motion and shall be filed at the same time the account is filed. The Court shall appoint an auditor to resolve issues of law and fact and to propose a distribution of the assets of the estate.

C. The statement of proposed distribution required by Rule 17OC006.9.A shall be substantially in the following form:

IN RE:	:	IN THE COURT OF COMMON PLEAS
ESTATE OF:	:	OF THE 17 <sup>TH</sup> JUDICIAL DISTRICT
_____	:	OF PENNSYLVANIA
Deceased	:	_____ COUNTY BRANCH
	:	
	:	ORPHANS' COURT DIVISION
	:	
	:	NO. OC-0000-0000
	:	

Statement of Proposed Distribution of the Estate of \_\_\_\_\_: filed by

\_\_\_\_\_  
(Fiduciary) (Capacity)

1. Date of death: \_\_\_\_\_.
2. Indicate whether the decedent died testate or intestate and the date of the probate of the decedent's Last Will and Testament (if any):
3. Date of appointment of executor or administrator:
4. State names of newspapers and dates on which advertisement of granting of Letters of Testamentary published.
5. Set forth the name and address of the decedent's spouse:
  - (a) Indicate whether the spouse has elected to take against the Will and, if so, the date of the filing of the election:
  - (b) Indicate whether the decedent married after the execution of the Will or Codicils (if any) and which of the said Will or Codicils was executed prior to the marriage:
6. Set forth the names and addresses of the decedent's surviving issue or adopted children and indicate if any of them were born or adopted after the execution of the Will (if any):
7. Set forth in list form the names of all legatees, or in the case of an intestacy, the names of the heirs-in-law and the addresses of the legatees and heirs (if not previously disclosed in 4 and 5 above). Also, set forth the relationship of the legatees or heirs to the decedent, the amount or percentage of the interest, and the character of the interest. This information may be in

summary form but should indicate whether any of the devises and bequests have been revoked, adeemed, lapsed or been assigned, attached or disclaimed.

8. Set forth the names of all parties in interest who are under any legal disability, the names and addresses of their guardians or committees, and the circumstances of the disability:

9. Set forth the names and addresses of unpaid creditors from whom the fiduciary has received written notice or of whom the fiduciary has actual notice. Also, set forth which of the amounts claimed are admitted:

10. Indicate whether or not charitable bequests are involved, and if so, if notice is required to be given to the Attorney General pursuant to Pa.O.C. 5.5:

11. List any fiduciary capacity which the decedent held and indicate the present status and court docket number (if any):

12. Indicate whether the Pennsylvania Transfer, Inheritance, and Estate taxes have been paid in full. If so, in lieu of completing the schedule below, a copy of Notice of Inheritance Tax Appraisalment, Allowance or Disallowance of Deductions and Assessments of tax received from the Pennsylvania Department of Revenue may be attached:

(a) State the Pennsylvania Department of Revenue appraisalment value of the estate, the amount of the debts and deductions allowed by the Register of Wills, and the value of the taxable estate:

Appraisalment Value	_____
Less Debts and Deductions	_____
Taxable Estate	_____

(b) State the tax rate and the total amount of tax paid:

Tax Rate	_____%
Tax Paid	_____

13. Indicate whether the estate is subject to the Federal Estate Tax and the date of the receipt of a Federal Estate Tax closing letter (if it has been received). If the letter has not been

received, indicate that to the personal representative's information, knowledge and belief, the Federal Estate Taxes have been paid in full in accordance with the return filed:

14. Where the accountant is requesting that any issue be decided by an auditor or by the Court, set forth any such issues:

15. Indicate whether a reserve is requested and, if so, state the amount and purpose thereof:

16. State whether the account is partial or final and whether any partial accounts had previously been filed:

17. Set forth any other information concerning unusual circumstances not previously mentioned:

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The accountants propose to distribute the assets as follows:

<u>Name of Distributee</u>	<u>Asset to be Distributed</u>	<u>Inventory Value</u>	<u>Tax Basis Value</u>
----------------------------	--------------------------------	------------------------	------------------------

Total Distribution Value: \_\_\_\_\_  
\_\_\_\_\_  
(Accountant)  
\_\_\_\_\_  
(Accountant)

D. An affidavit in one of the following forms shall accompany the statement of proposed distribution:

**AFFIDAVIT OF INDIVIDUAL FIDUCIARY(IES)**

\_\_\_\_\_, the within named fiduciary(ies)

verify(ies) that the facts set forth in the foregoing account and statement of proposed distribution, which are within the personal knowledge of the fiduciary(ies), are true, and as to facts based on information of the others, the fiduciary(ies), after diligent inquiry, believe(s) them to be true. I

understand that false statements therein are made subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn falsification to authorities.

\_\_\_\_\_

\_\_\_\_\_  
(Signature(s) of Individual Fiduciary(ies))

DATE: \_\_\_\_\_, \_\_\_\_\_

**AFFIDAVIT OF OFFICER OF CORPORATE FIDUCIARY**

\_\_\_\_\_ verifies that he/she is the  
\_\_\_\_\_ of the above-named \_\_\_\_\_,

and that the facts set forth in the foregoing account and statement of proposed distribution which are within the personal knowledge of the affiant are true, and as to facts based on the information of others, the affiant, after diligent inquiry, believes them to be true. I understand that false statements therein are subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn falsification to authorities.

\_\_\_\_\_  
Signature of Officer of Corporate Fiduciary

DATE: \_\_\_\_\_, \_\_\_\_\_

E. An affidavit of notice in the following form shall be filed with the statement of proposed distribution:

IN RE: \_\_\_\_\_ : IN THE COURT OF COMMON PLEAS  
 ESTATE OF: \_\_\_\_\_ : OF THE 17<sup>TH</sup> JUDICIAL DISTRICT  
 \_\_\_\_\_, : OF PENNSYLVANIA  
 Deceased : \_\_\_\_\_ COUNTY BRANCH  
 :  
 : ORPHANS' COURT DIVISION  
 : NO. OC-0000-0000

**AFFIDAVIT OF NOTICE**

\_\_\_\_\_  
 (Fiduciary) (Capacity)  
 of the Estate of \_\_\_\_\_, verifies that written notice by  
 \_\_\_\_\_ was given of the filing of the

(State Method of Service of Notice)  
 of the [Account and Statement of Proposed Distribution/Account and Request for the  
 Appointment of an Auditor] to every unpaid claimant who has given written notice of his/her  
 claim to the accountant and to every person known to the accountant to have or claim an interest  
 in the estate as creditor, beneficiary, heir, or next of kin. Copies of said written notices are  
 attached. I understand that false statements herein are subject to the penalties of 18 Pa.C.S.  
 Section 4904 relating to unsworn falsification to authorities.

\_\_\_\_\_  
 Fiduciary or Officer of Corporate Fiduciary  
 DATE: \_\_\_\_\_, \_\_\_\_\_

## **17OC006.10 - OBJECTIONS TO ACCOUNTS OR STATEMENTS OF PROPOSED DISTRIBUTION**

A. All objections shall be in writing, numbered consecutively, signed by the objector or the objector's attorney and each objection shall:

1. Be specific as to description and amount;
2. Raise but one (1) issue of law and fact, but if there are several objections to

items included in or omitted from the account or schedule of distribution relating to the same issue, all such objections shall be included in the same objection; and

3. Set forth briefly the reason or reasons in support thereof.

B. All objections must be filed with the Clerk prior to the close of business of the Clerk on the Monday before the date fixed for confirmation of the account. A copy of the objections shall be served by the objector without delay on the accountant's attorney and then each person listed on the affidavit of notice filed pursuant to 17OC006.3.C.

C. The accountant or any other party in interest may address a motion to the Court requesting the appointment of an auditor to resolve issues raised by any objections. Any such notice shall be filed within ten (10) days after notice of the filing of the objections. If the appointment of an auditor is not requested, the Clerk shall transmit a copy of the objections to the Court.

D. Any person who objects to the appointment of an auditor shall file a motion within ten (10) days of notice of the filing of the motion requesting the appointment of an auditor setting forth therein the reasons for the objection. The Clerk shall transmit to the Court the copy of the objections so that a conference may be scheduled before the Court. After the conference, the Court may overrule the objection and appoint an auditor, sustain the objection and set the matter for argument, or decide the matter on the merits based upon the representation of the parties at the conference.

## **17OC006.11 CONFIRMATION OF ACCOUNTS**

A. Provided that proper notice has been given and no objection is filed timely, all accounts and statements of proposed distribution which are filed on or before the first Thursday of each month shall be confirmed *nisi* by the Court on the fourth Thursday of the month, unless that day is a holiday, in which event, confirmation shall be made the next business day. Prior to the date of confirmation a proposed decree of distribution shall be filed by the accountant. The proposed decree shall contain space for signature by a member of the Orphans' Court.

B. If no exceptions are filed to the confirmation *nisi*, the Court shall confirm said accounts absolutely ten (10) days after entry of the confirmation *nisi*, which confirmation absolute shall constitute a final adjudication of such accounts, and a final decree approving absolutely the statement of proposed distribution and directing distribution in accordance therewith shall thereupon be made and entered by the Court.

## **17OC007.1 – EXCEPTIONS**

A. An original and one (1) copy of the exceptions permitted by these rules shall be filed with Clerk in writing, each exception to be numbered consecutively, and the exceptions to be signed by the exceptant or the exceptant's attorney. Each exception shall:

1. Be specific as to description and amount;
2. Raise but one (1) issue of law or fact, but if there are several exceptions relating to the same issue; all such exceptions shall be included in the same exception; and
3. Set forth briefly the reason or reasons in support thereof. Upon the expiration on the last day for the filing of exceptions, the Clerk shall immediately forward a copy of all exceptions filed to the Court.

B. Except as otherwise provided in these rules, all exceptions shall be filed, within ten (10) days of the date of the filing of the order, decree, adjudication, or other matter, unless said period is extended by the Court for cause shown.

C. The party filing the exception or exceptions shall without delay serve each interested party or the interested party's attorney with a copy of the exceptions filed.