

# **LYCOMING COUNTY RULES OF COURT**

**Updated May 24, 2023**

Lycoming County Rules of Judicial Administration

Lycoming County Rules of Civil Procedure

Lycoming County Orphans' Court Rules

Lycoming County Rules of Criminal Procedure

Lycoming County Standards for Courtroom Decorum

Lycoming Law Association Working Rules for Professionalism

Lycoming Law Association Title Search Customs

# Lycoming County Local Rules - Contents

## Judicial Administration

- L4. Legal Periodical
- L5. Papers and Records
- L6. Records of Court
- L7. Court Reporter Note/Tape Retention
- L8. Video/Audio Conferencing
- L1901. Termination of Inactive Summary Cases in the Magisterial District Courts
- L4002. Definitions
- L4007. Requests for Transcripts
- L4008. Transcript Costs Payable

## Rules of Civil Procedure

- L76 Definitions
- L205.2 Filing Legal Papers with the Prothonotary
  - FORM - Initial Case Monitoring Notice
  - FORM - Motion Cover Sheet
- L205.4 Electronic Filing and Service of Legal Papers
- L206.4(c) Rule to Show Cause
- L208.2 Motions. Form. Content
- L208.3 Motions. Procedures. Brief
- L212 Pre-trial Conferences and Trial Scheduling
  - FORM - Pre-trial Statement
- L216 Continuances
- L220 Jury Size in Civil Trials
- L227.3 Transcript of Testimony
- L230.2 Termination of Inactive Cases
- L250.1 Americans with Disabilities Act of 1990 Notice
- L261 Court Administrator

## **SERVICE**

- L400.1(b) Service of original process
- L430 Service by Publication
- L440. Use of Prothonotary's Office Mail Box

## **BOARD OF VIEW**

- L501 Meeting Place
- L502 Substitution After Appointment
- L503 Organization
- L504 Notice of Appointment

## **COSTS**

- L601 Security for Costs of Non-residents

L602 Bill of Costs

**JUDGMENT**

L702 Satisfaction of Judgment

**MISCELLANEOUS**

L901 Money Paid into Court

L902 Appeal as Supersedeas of Judgment for Possession of Real Property

**CIVIL ACTIONS**

L1007 Commencement of Action. Case Scheduling

L1012 Appearance of Attorney. Withdrawals

L1018.1 Notice to Defend

L1025 Designation of Trial Attorney

L1028(c). Preliminary Objections

L1034(a). Motion for Judgment on the Pleadings

L1035.2(a). Motion for Summary Judgment

L1049 Itemized Statements Submitted Prior to Trial

L1066 Entry of Judgment. Advertisement

**ARBITRATION**

L1301 Cases for Submission

L1302 List of Arbitrators

L1302.1 Selection of Arbitrators

L1303 Scheduling of Hearings

L1304 Arbitrator's Questions

L1304.1 Continuances

L1306 Awards

L1308 Compensation for Arbitrators

L1311 Appeals

L1315 Settlements

**SUPPORT ACTIONS**

L1910.10 Hearing Procedure

L1910.12 Exceptions Procedure

L1910.14 Defendant Leaving Jurisdiction

L1910.15 Paternity

**CUSTODY AND VISITATION MATTERS**

L1915.3 Custody Pleadings.

L1915.4-3 Initial Conference.

L1915.7 Settlement.

L1915.8 Physical/Mental/Psychological Examinations and Home Studies

L1915.12 Required Certification for Petition for Civil Contempt Relating to a Custody Order

## **DIVORCE OR ANNULMENT OF MARRIAGE**

- L1920.16 Bifurcation
- L1920.51 Appointment of Hearing Officer.
- L1920.53 Hearing by Hearing Officer. Report
- L1920.55-1 Matters Referred to a Hearing Officer.
- L1920.55-2 Exception Procedure.
- L1930.5. Discovery

## **MINORS**

- L2039 Minor's Action - Compromise, Settlement, etc.

## **JOINDER OF PARTIES**

- L2232 Notice of Pendency of Action

## **DISCOVERY**

- L4005 Interrogatory Limits

## **Rules of Criminal Procedure**

- L122 Assignment of Counsel
- L202 Approval of Search Warrant Applications by Attorney for the Commonwealth
- L507 Approval of Complaints and Arrest Warrant Affidavits by the Attorney for the Commonwealth
- L525 Bail
- L530 Designation and Powers of County Bail Agency
- L540 Preliminary Arraignment
- L578 Continuances
- L700 Sentencing Judge

## **Orphans' Court Rules**

- L1.8 Motion Procedures
- L2.6. Proposed Decree of Distribution.
- L2.7. Time for Filing Objections.
- L2.9. Confirmation of Accounts; Awards.
- L2.10. Foreign Heirs and Distributees.
- L9.1. Notice of Auditor's or Master's Hearing.
- L9.6. Notice of Filing Auditor's or Master's Report.
- L9.7. Confirmation of Report.
- L14.2 Incapacitated Persons' Estates.
- L14.5 Forms.
- L15.5. Request for Investigation.
- L15.8 Proposed Findings and Decree

## **Standards For Courtroom Decorum**

- 1 To Stand or to Sit
2. Approaching the Witness
3. Addressing the Witnesses, Jurors, Opposing Counsel
4. Addressing the Court
5. When Objection Before Court
6. Arguments Between Counsel
7. Rearguments after Rulings
8. Protocol - Opening Statements and Summations
9. Standards for Attire
10. Sidebar Conferences
11. Use of Titles in Addressing Parties, Attorneys
12. Avoiding Appearance of Familiarity with Court
13. Numbering of Exhibits in Advance
14. Anticipation of Major Legal Issues
15. Minimizing Use of Sidebars
16. Minimizing Objections
17. Thanking the Court
18. Police Witnesses - Firearms, Uniforms

## **Working Rules for Professionalism**

### **Title Search Customs**

# Lycoming County Rules of Judicial Administration

(Cite as Lyc. Co. R.J.A.\_\_\_\_\_)

## **L4. Legal Periodical.**

The *Lycoming Reporter* is designated the legal newspaper in Lycoming County for the publication of court or other legal notices, and all matters which require publication in the legal newspaper, by statute, rule, or order of court, shall be published therein. One copy of each issue of the *Lycoming Reporter* shall be deposited by the publisher in the office of the prothonotary and one in the law library of Lycoming County for public reference.

## **L5. Papers and Records.**

A. If any part of a record or pleading cannot be found, it may be supplied by a copy thereof, duly authenticated by counsel.

B. The name of the attorney or law firm should appear on all papers or records filed with the court, but not on proposed orders.

## **L6. Records of Court.**

A. The date of filing all papers shall be endorsed thereon by the prothonotary and shall be noted on the docket. The time and date of filing shall be endorsed on the papers filed.

B. Removal of papers. No original papers shall be removed from the office of the prothonotary except as herein provided:

(1) No original note, bond or other instrument upon which a judgment has been entered shall be removed from the office, except for use in court, without written permission of the court upon cause shown.

(2) A referee, auditor, master and other similar officer appointed by the court may remove records or such parts thereof as pertain to the purposes of his appointment for a period not exceeding ninety (90) days, unless the court for cause shown shall extend the time, upon signing a receipt thereof.

## **L7. Court Reporter Note/Tape Retention.**

A. In the case of all court reporter notes taken on tapes made of criminal matters where the crimes charged are graded misdemeanor of the first degree or lower, the court administrator is authorized to, no sooner than seven (7) years after the notes were taken or the tapes made, direct the destruction of any such notes or tapes. In felony cases, the court administrator is authorized to direct the destruction of all court reporter notes or tapes no sooner than seventy-five (75) years after the date the notes were taken or the tapes made. In all cases other than criminal cases, the court administrator is authorized to direct the destruction of all court reporter notes or tapes no sooner than five (5) years after the date the notes were taken or the tapes made.

B. Notwithstanding subsection A of this rule, in any matter where the notes or tapes have been transcribed and the transcriptions approved by the court and filed, the court reporter may, no

sooner than thirty (30) days after filing, destroy any such notes or tapes. Any party who wishes to object to the transcription shall do so within that thirty (30) day period by serving a written objection upon the court reporter. If the objection cannot be resolved to the satisfaction of the parties, any party may, by petition, request the court to determine the objection. Court reporter notes or tapes which are subject to objection shall be retained until all objections are resolved.

C. Notwithstanding subsection A and B of this rule, any party may petition the court, which may, in its discretion, order the retention of any particular court reporter notes or tapes for an additional period of time.

#### **L8. Video/Audio Conferencing in Court Proceedings.**

A. Under appropriate circumstances, the court may allow a witness to appear or testify in court by video or audio means. In evaluating a request for a video or audio appearance, the court shall consider all relevant issues, which may include the following:

- (1) The availability of the witness to give live testimony in court;
- (2) the cost of requiring live testimony;
- (3) the length of the matter and, particularly in criminal pre-trial matters, the inconvenience to the sheriff or the defendant involved in traveling long distances for brief court appearances;
- (4) whether all parties have agreed to the proposed video or audio appearance;
- (5) whether the finder of fact will be able to hear and understand the witness, and properly evaluate the credibility of the witness, if credibility is at issue in the matter;
- (6) whether the request for video or audio testimony was made in a timely manner so that necessary video or audio equipment is available for the scheduled court appearance; and,
- (7) the importance of the testimony relative to the issues in the matter.

B. **Timing of Request.** Whenever video or audio conferencing is sought by the moving party in a pre-trial proceeding, the request should accompany the motion or petition. In the event that the need for conferencing is not known at the time the matter is commenced or if conferencing is required by a responding party, a request for conferencing shall be submitted to the court administrator's office no less than 21 days before the scheduled hearing. Requests for video or audio appearance of a trial witness shall be made by submitting the request for conferencing form contemporaneously with the filing of the pretrial statement.

C. **Form of Request.** The request for video or audio conferencing shall be made by submitting to the Court Administrator the details of the request, on a form that is available from the Court Administrator. The request shall detail the reasons for the request and provide required technical data necessary to make the video or audio connection. Prior to making the request for conferencing, the requesting party shall determine whether or not all other parties consent to allow the video or audio appearance of the witness, and the consent or non-consent of parties shall be reported in the request form.

D. In all noncriminal cases, the party requesting conferencing shall pay all court or Lycoming

County costs associated with the conferencing request.

E. The requesting party shall be responsible for all required scheduling and set-up with respect to the originating transmission of the conference.

#### **L1901. Termination of Inactive Summary Cases in the Magisterial District Courts**

A. Traffic cases - On or before January 15th of each year, pursuant to 42 Pa.C.S. § 5553(e), each Magisterial District Court shall dismiss all summary offenses under Title 75 (relating to vehicles) where no plea has been entered and the commission of the offense was at least three years prior thereto.

B. Non-traffic cases

1. On or before January 15th of each year, each Magisterial District Court shall:

- i. Identify all summary non-traffic cases where no plea has been entered and where there has been no evidence of activity on the docket during the prior two years other than the filing of a not found return on a warrant of arrest;
- ii. Compile a list of those cases indicating the docket number, case caption, and charge(s) associated with the docket number; and
- iii. Promptly provide the list to the District Court Administrator and the District Attorney.

2. Upon receipt of the list from the Magisterial District Court, the District Court Administrator shall submit the list to the Lycoming Reporter for publication.

- i. The publication shall be advertised one time and shall state the docket number, case caption, and name and office address of the Magisterial District Court and shall indicate that the cases listed shall be dismissed on the 31st day following publication unless a party to the case files with the Magisterial District Court a written objection to dismissal of the case setting forth reasons why no activity has appeared of record for the past two (2) years other than a filing of a not found return on a warrant of arrest.
- ii. If said written objection is filed within thirty (30) days of the publication, a hearing shall be scheduled to determine if dismissal is appropriate. The hearing shall be held by the Magisterial District Judge not less than thirty (30) days nor more than sixty (60) days after such filing, and the Magisterial District Court shall give at least thirty (30) days written notice thereof along with a copy of said written objections served by first class mail. If notice is returned undelivered, the case shall be dismissed. A party shall have the right to appeal to the Court of Common Pleas within the time period for Summary Appeals



pursuant to Pa.R.Crim.P. 460.

iii. If said written objection is not filed within thirty (30) days of the publication, the Magisterial District Court shall dismiss the case.

C. When a case is dismissed under this rule, the Magisterial District Court shall:

1. Vacate any active warrant related to the case/citation/ticket and promptly remove the warrant from Magisterial District Judge System (MDJS), Common Pleas Case Management System (CPCMS), or any other system in which the warrant was issued; and

2. Forward notice to the Pennsylvania Department of Transportation that the case/citation/ticket has been dismissed and request withdrawal of the defendant's license suspension pursuant to Pa.R.Crim.P. 470.

**L4002. Definitions.** The **Senior Court Reporter** is a court reporter, selected for that position by the president judge. The senior court reporter is designated as the individual under Pa.R.J.A. Nos. 4001-4016 to assure compliance with the timely delivery of all transcripts and to perform such other tasks under said rules that are permitted to be performed by the designee of the president judge or the district court administrator, except for the receipt of transcript payments.

**L4007. Requests for Transcripts.**

**A.** Requests for ordinary transcripts shall be filed with the Prothonotary/Clerk of Courts or Register and Recorder, as appropriate, by using the transcript request form required by Pa.R.J.A. No. 4007(A).

**B. Procedure for a litigant obtaining a transcript.**

(1) Unless all of the costs have been waived under Lyc. Co. R.G.C.B. L4008(B), before filing a transcript request form, the litigant shall first submit the transcript request form to the senior court reporter via email (preferred), or fax (570-327-2288), or U.S. or courthouse mail (48 West Third Street, Williamsport, PA 17701).

(a) Within five (5) business days from the date the form is received, the senior court reporter will complete the applicable portions of section V ("For Court use only") of the transcript request form and return the form to the litigant thereby notifying the litigant of the estimated cost. Senior court reporter contact information is available at [www.lyco.org/Courts/Court-Reporters](http://www.lyco.org/Courts/Court-Reporters).

(b) The litigant ordering a transcript shall make a non-refundable deposit in the amount of 100% of the estimated cost of the transcript. The payment shall be made contemporaneously with the filing of the transcript request form, in the manner required by the office in which the form is filed.

(2) If a court order waiving all of the costs has been entered or a certification letter

has been provided under Lyc. Co. R.G.C.B. L4008(B), the litigant need not submit the transcript request form to the senior court reporter. Instead, the litigant shall simply file the transcript request form with the appropriate filing office and attach the court order waiving the costs or the certification letter.

(3) Upon the filing of a transcript request form and the payment of any required deposit, the filing office shall notify the court reporter, who shall then prepare the transcript.

(4) If the actual costs are more than the deposit amount, the final balance shall be paid to the appropriate filing office within seven (7) calendar days from the date the requesting party is notified of the balance owed. If the actual costs are less than the deposit amount, the filing office shall issue a refund to the requesting party.

**L4008. Transcript Costs Payable by a Requesting Party Other Than the Commonwealth or a Subdivision Thereof / Waiver of Costs.**

**A. Costs.** The costs for transcripts are established at the maximum rate allowed by Pa.R.J.A. No. 4008(A).

**B. Petition to Waive All or a Portion of the Transcript Costs / Letter of Certification.**

(1) If a litigant seeks to waive all or a portion of the costs of a transcript, that request shall be in the form of a petition which shall be filed in the appropriate filing office. If the court waives all of the transcript costs, the litigant shall proceed in accordance with L4007(B)(2). If the court waives only a portion of the transcript costs or denies the petition, the litigant shall proceed in accordance with L4007(B)(1).

(2) Litigants who have been approved for representation by legal aid services are not required to prove economic hardship and shall be entitled to obtain ordinary transcripts at no cost. In lieu of a petition to waive the transcript costs, legal aid services may provide a letter of certification verifying that the client meets financial eligibility for legal aid services and that the matter is under appeal or that the transcript being requested is necessary to advance the litigation. If a certification letter is provided, the litigant shall proceed in accordance with L4007(B)(2).

**C. Additional Costs.** A trial judge may impose a reasonable surcharge in cases such as mass tort, medical malpractice or other unusually complex litigation, where there is a need for court reporters to significantly expand their dictionary. Such surcharges are at the discretion of the trial judge.

# Lycoming County Rules of Civil Procedure

*(Cite as Lyc. Co. R.C.P. \_\_\_\_)*

**L76. Definitions.** The words and phrases used in any rule promulgated by this court shall have the meanings as defined in Pa.R.C.P. No. 76 unless the context clearly indicates otherwise or the particular word or phrase is expressly defined elsewhere in these rules.

## **Business of the Civil Courts**

### **L205.2. Filing Legal Papers with the Prothonotary.**

**(a) Size of paper. Number of copies.** All pleadings, motions, petitions, briefs and other legal documents filed with the prothonotary shall be on paper size 8 ½ inches by 11 inches, unless otherwise required by rule or order of court. The original and one copy of all documents to which rule L205.2(b)B applies shall be filed. Unless otherwise required by another applicable rule or order of court, only the original of a brief or any other document is required to be filed..

#### **(b) Required cover sheets.**

A. Case monitoring notice. This requirement applies to civil actions, statutory appeals and appeals from judgments of magisterial district judges, and any other civil matter requiring court action, except a matter filed under the Domestic Relations Code.

1. An original and one copy of a case monitoring notice shall be filed and served by the plaintiff or appellant:

- i. Within ten days after an answer has been filed in a mortgage foreclosure action, a credit card collection case or a forfeiture action,
- ii. With the filing of a notice of appeal in an administrative agency appeal, or
- iii. With the filing of a complaint in a general civil case.

2. When a case is commenced by a writ of summons, the case monitoring notice shall be filed only with the filing of the complaint and not with the filing of the writ of summons.

3. In the event that no case monitoring notice is filed as required by this rule, any party may file a case monitoring notice.

4. The case monitoring notice shall not exceed one page. If necessary, the caption may be abbreviated to accommodate this requirement.

5. After the case monitoring notice is filed, the procedures set forth in rule L1007 shall apply.

6. The form of the case monitoring notice shall be substantially as follows:

**COURT OF COMMON PLEAS, LYCOMING COUNTY, PENNSYLVANIA  
CASE MONITORING NOTICE**

\_\_\_\_\_  
Plaintiff

vs.

\_\_\_\_\_  
Defendant

:  
: DOCKET NO: \_\_\_\_\_

:  
: CIVIL ACTION

I. This matter is:

\_\_\_\_\_ **Mortgage Foreclosure** (file once an **Answer** has been filed).  
Time needed for trial \_\_\_\_ (1 day) \_\_\_\_ (1/2 day).

\_\_\_\_\_ **Credit Card Collection Case** (file once an **Answer** has been filed)  
a) \_\_\_\_ Arbitration. (\$50,000 or less) Time needed for discovery? \_\_\_\_ months  
b) \_\_\_\_ Trial. Time needed for discovery? \_\_\_\_ months

\_\_\_\_\_ **Forfeiture** (file once an **Answer** has been filed)

\_\_\_\_\_ **Administrative Agency Appeal** (file with **Notice of Appeal**)

\_\_\_\_\_ **General Civil Case** (file with **Complaint**):  
a) \_\_\_\_ Arbitration. (\$50,000 or less) Time needed for discovery? \_\_\_\_ months  
b) \_\_\_\_ Fast track (4 month discovery period)  
c) \_\_\_\_ Normal track (9 month discovery period)  
d) \_\_\_\_ Complex track (12 month discovery period)  
e) \_\_\_\_ Medical Malpractice (14 month discovery period)

\_\_\_\_\_ **Other.** Action requested: \_\_\_\_\_

II. Jury trial demanded? \_\_\_\_ YES \_\_\_\_ NO

III. Please note any special scheduling concerns: \_\_\_\_\_  
\_\_\_\_\_

Name of filing counsel or pro se party: \_\_\_\_\_ for \_\_\_\_\_

Address: \_\_\_\_\_

Telephone number: \_\_\_\_\_

Email address: \_\_\_\_\_

Opposing counsel or pro se party: \_\_\_\_\_ for \_\_\_\_\_

Address: \_\_\_\_\_

Telephone number: \_\_\_\_\_

Email address: \_\_\_\_\_

**B. Motion Cover Sheet.** The procedure set forth in this section shall apply to every request for relief and/or application to the court for an order, whether by petition, motion, preliminary objection, exception, or stipulation, that the filing party desires to bring before the court or family court hearing officer, except a motion for a continuance (see rule L216 regarding continuance).

**NOTE:** The use of this cover sheet is also required in orphans' court; see, Lyc. Co. O.C.R. L3.4.

1. A cover sheet substantially in the form set forth in subsection 7 of this section shall be attached to the front of every request for a court order to which this rule applies.–Any request for relief on the front of which an applicable Pennsylvania Rule of Civil Procedure requires a specific order or notice to be attached shall include that order or notice directly following the cover sheet.
2. The cover sheet shall consist of only one page. Captions may be abbreviated. If additional space is necessary to list counsel and unrepresented parties, a separate sheet may be attached. The filing party or counsel shall be responsible for identifying all parties and others to be given notice or their counsel on the cover sheet. If a party was not served with a copy of the executed cover sheet as a result of an omission of the filing party, the argument or hearing may be rescheduled or, in the discretion of the court, the request for relief may be denied.
3. If a cover sheet is not attached as required by this rule, the court may choose not to act upon the request for relief until an appropriate cover sheet is filed. If the filing party does not attach a cover sheet as required by this rule, a cover sheet, along with a copy of the original motion may be filed by any party, or the court.
4. If expedited consideration by the court is requested or required by statute or rule of procedure, the reason for such consideration shall be set forth on the cover sheet. Such consideration must be requested if the date of the pretrial conference has been set or if the case has already been pre-tried.
5. A proposed order granting the relief requested shall be attached to the cover sheet.
6. The court shall schedule argument, hearing or briefing as the court may require, note the scheduling information on the cover sheet, and issue the scheduling order appearing on the cover sheet. The prothonotary shall docket and promptly forward the completed cover sheet to all parties identified on the cover sheet.
7. The form of the cover sheet shall be substantially as follows:

**COURT OF COMMON PLEAS, LYCOMING COUNTY, PENNSYLVANIA  
MOTION COVER SHEET**

Caption (may be abbreviated)

Docket No. \_\_\_\_\_

vs.

Case assigned to Judge \_\_\_\_\_

none

Family Court Hearing Officer

1. Name of filing party:

2. Filing party's attorney:

3. Type of filing:

<p>4. The following is/are requested:</p> <p><input type="checkbox"/> Argument</p> <p><input type="checkbox"/> Evidentiary Hearing</p> <p><input type="checkbox"/> Court conference</p> <p><input type="checkbox"/> Rule to show cause</p> <p><input type="checkbox"/> Entry of uncontested order (attach supporting documentation)</p> <p><input type="checkbox"/> Expedited consideration. State the basis:</p> <p>_____</p> <p>_____</p> <p><input type="checkbox"/> Video conferencing requested. Request form has been submitted. See Lyc. Co. R.G.C.B. L8.</p> <p><input type="checkbox"/> Attach this cover sheet to original motion previously filed on: _____</p> <p>5. Time required:</p>	<p>6. Names and addresses of all counsel of record and unrepresented parties:</p>          <p><input type="checkbox"/> Continued on separate sheet.</p>
---	---

**ORDER**

1. \_\_\_ An \_\_\_ argument \_\_\_ factual hearing \_\_\_ court conference is scheduled for \_\_\_\_\_  
\_\_\_\_\_ at \_\_\_ m. in courtroom no. \_\_\_\_, Lycoming County Courthouse, Williamsport, PA.
2. \_\_\_ Briefs are to be filed by the following dates:  
Filing party \_\_\_\_\_.  
Responding party(ies) \_\_\_\_\_.
3. \_\_\_ A rule is issued upon respondent to show cause why the petitioner is not entitled to the relief requested.
4. \_\_\_ A response to the motion/petition shall be filed as follows: \_\_\_\_\_.
5. \_\_\_ See order attached. \_\_\_ See separate order issued this date.
6. \_\_\_ Other \_\_\_\_\_.

\_\_\_\_\_  
Judge

\_\_\_\_\_  
Date

cc: ALL PARTIES OR OTHERS TO BE SERVED WITH NOTICE MUST BE DESIGNATED IN "6." ABOVE.

## **L205.4. Electronic Filing and Service of Legal Papers**

### **A. Electronic Filing**

1. All legal papers as defined by Pa.R.C.P. 205.4(a)(2) associated with the civil case types listed in A.2. below may be filed electronically.

2. Case Types. Electronic filing is allowed in the following case types:

- (a) Tort (intentional, malicious prosecution, motor vehicle, nuisance, premises liability, product liability, slander/libel, defamation, and other);
- (b) Mass tort (asbestos, tobacco, toxic tort, toxic waste, and other);
- (c) Professional liability (dental, legal, medical, and other);
- (d) Contract (buyer protection, debt collection - credit card; employment dispute, employment dispute - discrimination, and other);
- (e) Real property (buyer protection, ejectment, eminent domain/condemnation, ground rent, landlord/tenant dispute (excluding MDJ appeals), mortgage foreclosure, partition, quiet title, and other);
- (f) Statutory appeals (board of assessment, board of elections, zoning appeal, and other);
- (g) Miscellaneous (common law/statutory arbitration, declaratory judgment, mandamus, quo warranto, replevin, and other).
- (h) Municipal and tax claims/liens;
- (i) Liens (Commonwealth, broker's, federal, mechanics, municipal);
- (j) Judgments (amended, by transcript (Magisterial District Judge), confession, default, deficiency, enforcement, revival, satisfaction, and transfer);
- (k) Arbitration appeals;
- (l) Writ of scire facias;
- (m) Writ of revival;
- (n) Civil subpoenas; and
- (o) Civil appeals to Supreme, Commonwealth and Superior Courts.

**3. Registration.** Electronic filers must register with the prothonotary's designated electronic filing management system in accordance with the user manual. All registered users shall be individuals, not law firms, agencies, corporations, or other groups.

**4. Original document.** A legal paper filed electronically shall be deemed to be the original document, but copies of exhibits electronically filed do not constitute the original of

the exhibit for evidentiary purposes.

**B. Form of Documents Electronically Filed.**

1. **Format.** To the extent practicable, documents shall be formatted in accordance with the applicable rules governing formatting of paper documents. All electronic filings shall be in Portable Document Format ("PDF").

2. **Document Title.** The title of each electronically filed document shall match the title of the docket entry.

3. **Signature.** Each electronically filed document shall be deemed to have been signed by the attorney, or party not represented by an attorney, authorizing such filing and shall bear a facsimile or typographical signature of such person, e.g. "I s I Adam Attorney". Each document electronically filed shall also include the typed name, address, and telephone number of the attorney or unrepresented party filing such document.

**C. Public Access to the Docket.**

1. Public access to the prothonotary's civil case dockets shall be available on the Internet at [www.lyco.org/Elected-Officials/Prothonotary-Clerk-of-Courts](http://www.lyco.org/Elected-Officials/Prothonotary-Clerk-of-Courts).

2. The prothonotary shall make a public access terminal available to the general public, to allow access to the electronic case records.

**D. Filing Fees.**

1. All filing fees and payments shall be made at the time of filing with an authorized credit card through the prothonotary's designated electronic filing management system. Authorized cards shall include Visa, MasterCard or Discover. Filing fees and payments may not be deposited in advance with the prothonotary. Any document for which a fee would otherwise be charged, that is accompanied by a praecipe or petition to proceed in forma pauperis, will be accepted for filing and time-stamped in accordance with Pa.R.C.P. no. 240(c) and (d).

2. The prothonotary may charge a convenience fee for the conversion of a legal paper or exhibit to PDF format for electronic filing.

**E. Sealed Documents.**

1. Documents intended to be filed under seal shall be designated by the filing party as "sealed" in the prothonotary's designated electronic filing management system. The filing party must submit a proper request for sealing documents in addition to making the designation.

2. The prothonotary will include the filing details and document title in the electronic filing system. The documents can be viewed only by the court, prothonotary office staff, and case participants, as applicable.

**F. Time of electronic filing.**

1. The prothonotary's designated electronic filing management system shall provide to the filer, using the email address registered by the filer, an email acknowledging that the filing was received. An official notification will also be displayed in the prothonotary's designated electronic filing management system, which includes the time and date, as a



pending filing awaiting approval by the prothonotary. The prothonotary shall provide the filer with notification when the legal paper has been either accepted or rejected.

2. If a legal paper is accepted, it shall be deemed to have been filed as of the date and time it was received by the prothonotary's designated electronic filing management system.

**Note:** Access to the prothonotary's designated electronic filing management system shall be always available, except during routine maintenance; however, legal documents can only be reviewed by prothonotary staff during normal office hours. Filers are cautioned to file required legal papers well in advance of any filing deadlines to enable timely correction and re-submission in the event a legal paper is not acceptable for filing.

3. The prothonotary will maintain one hard copy of documents that are filed electronically.

**G. Service of Legal Papers.**

1. Once electronically filed original process has been accepted by the prothonotary, it shall be the responsibility of the filing party to provide to the sheriff the proper service fee and documents for service.

2. Service of all other documents shall be by the filing party, in accordance with the rules of civil procedure.

**H. Obligation of Registered Electronic Filing Users to Maintain Proper Contact Information.**

Parties or attorneys who register to use prothonotary's designated electronic filing management system shall provide notification within ten days of any change in firm name, address, fax number, or email address.

**L206.4(c). Rule to Show Cause.**

A. A rule to show cause shall be discretionary pursuant to Pa. R.C.P. 206.5.

B. A cover sheet that complies with rule L205.2(b)B shall be attached to any petition or request for relief requiring the issuance of a rule to show cause. The cover sheet includes thereon a rule to show cause order and no separate rule to show cause order is to be submitted.

C. When issuing the rule to show cause included on the cover sheet, the court shall indicate on the cover sheet whether the petition or other request for relief will be scheduled for an argument or evidentiary hearing, whether discovery on the issues will be allowed, whether an answer will be required or if briefs are required.

D. The court will grant or deny a request for a stay of execution pending disposition of a petition to open a default judgment based upon the initial review of the facts as set forth in the petition.

**L208.2 Motions. Form. Content.**

**(d). Uncontested motions.** If a motion is presented as uncontested the basis therefore shall be set forth on a page immediately following the cover sheet in the form of a written stipulation of all interested parties or a certification of filing counsel or verified statement by unrepresented parties as to the basis upon which it is appropriate to enter the uncontested order.

**(e). Discovery motions.**

A. All discovery motions to compel discovery or for a protective order shall include

a certification by moving counsel that concurrence in the motion was sought from opposing counsel and pro se parties. The certification shall be contained on a separate page and attached following the cover sheet to the front of the motion. The certification shall state the following information:

1. the manner in which concurrence was sought; and,
2. whether or not concurrence was given, and if given in part and denied in part, the extent to which concurrence was given.

If contact with opposing counsel or pro se parties can not be made prior to the filing of the motion, the moving party shall so state in the certification. The moving party has a continuing obligation to contact opposing counsel or pro se parties to secure the concurrence or non-concurrence.

B. Concurrence may not be unreasonably refused by opposing counsel or pro se parties. If the court finds that concurrence was properly sought, and was unreasonably refused, the court may award attorneys fees and expenses to the moving party, and may impose such other sanctions as are permitted by the Pennsylvania Rules of Civil Procedure.

### **L208.3 Motions. Procedures. Briefs.**

#### **(a) Motion procedure.**

A. **Scheduling.** Motions will be scheduled by the court scheduling technician for argument, hearing or conference as ordered by the court after an initial review of the motion, taking into account the request of the moving party as set forth in the motion cover sheet. The scheduled time shall be noted on the executed motion cover sheet and served upon the parties by the prothonotary in accordance with these local rules. The motion will be decided after argument or hearing.

B. **Briefs.** Briefs may be ordered by the court and, if so ordered, the time for filing will be set forth on the executed motion cover sheet. If briefs are ordered, the original and one copy shall be filed with the prothonotary, who shall forward the copy to the judge. All parties shall be served with a copy of the brief contemporaneously with the filing of the brief. Where briefs are required and are not timely filed, the court may treat the request for relief as having been submitted by the defaulting party and proceed ex parte, or impose such other sanction as it shall deem appropriate.

C. **Courtesy copies.** No courtesy copies of motions and briefs should be mailed to the judge or court administrator.

D. **Emergency motions.** Emergency requests for a court order shall be filed with the prothonotary and then delivered by the filing party to the court administrator, who shall deliver the motion to an appropriate judge. All emergency motions must have a motion cover sheet as required by these rules. All emergency requests shall set forth on a separate page following the cover sheet a certification by filing counsel or pro se party that all interested parties were contacted in advance and given notice of the intention to present the emergency request and the details as to time and manner of such notice; or, if such notice

was not given, a statement as to why and what efforts to give the notice were made.

**(b). Motion response.** If the court deems a response is necessary, the response shall be filed within twenty (20) days unless the court orders a shorter or longer time. If a response is not timely filed, or if a response is filed raising no contested issue of fact, the court may deem the matter as being uncontested and may accept all factual averments as true and issue a dispositive order accordingly without further argument, upon motion of the moving party or in its own discretion. If a response is filed raising disputed issues of fact the court will hold an evidentiary hearing or proceed in such other manner as the court shall direct.

**L212. Pretrial Conferences and Trial Scheduling.**

**A. Trial list.** Cases may be placed on the trial list in the manner set forth in rule L1007.

**B. Pretrial Conferences.**

1. The court administrator shall schedule a pretrial conference to be held at least fifteen (15) days before the first day of the session of trials during which the case is listed.

2. Not less than seven days before the date set for the pretrial conference, each party shall file the original and one copy of the pretrial statement and serve a copy on all other parties. The prothonotary shall forward the copy to the trial judge as soon as possible.

3. Counsel are required to be prepared to inform the court of the demand and settlement offers and to discuss settlement.

4. All parties and representatives necessary to approve settlement and with full settlement authority must attend the pretrial conference in person, unless upon written request the court authorizes appearance by telephone or otherwise excuses attendance.

5. Each party may be limited to calling witnesses or using exhibits listed on the pretrial statement.

6. The pretrial statement shall be in substantially the following form:

CIVIL PRETRIAL STATEMENT OF LYCOMING COUNTY

Caption

Docket #

1. Name of Party

2. Attorney's Name

3. Judge

4. Date of Pretrial

5. List all parties and counsel to the action.

6. Has there been a timely demand for a jury trial? Yes No

Number of jurors demanded: 8 \_\_\_\_, 12 \_\_\_\_.

7. Scheduling – list any unusual scheduling problems, which are anticipated.

8. Estimated time to try.

9. Brief narrative statement of the submitting party's version of the case. Attach any helpful diagram.
10. Legal theory of liability. List those theories upon which you will rely, as each party may be limited to those theories at trial.
11. If there is a counterclaim, set forth the theory of liability and contentions on damages.
12. If an agreement is involved in this action, is it written or oral? Quote the provisions of the agreement, which are central to this dispute.
13. Damages – List types and amounts of damages claimed.
14. Names of witnesses:
  - a) Definite witnesses and scope of testimony (liability, damages or both).
  - b) Possible witnesses and scope of testimony (liability, damages or both).
15. Expert witnesses – list name and specialty and attach all expert reports.
16. Exhibits – List all exhibits and indicate whether or not they have been shown to opposing counsel.
17. Technological issues:
  - a) Is there a request for any witness to appear live at trial by way of video or audio conferencing? See Lyc. Co. R.G.C.B. L8 for required form and procedure.
  - b) Indicate all electronic and/or technological equipment, which is intended to be used in presentation of exhibits or evidence.
18. Requested stipulations (Qualifications of experts, admissibility of documents without custodian, special damages, etc).
19. Unusual legal issues – issues on which trial briefs should be required.
20. Outstanding motions.
21. Miscellaneous – list any matter that you feel is important but which has not been covered.

**NOTE:** As to settlement and attendance by parties see Lyc. Co. R.C.P. L212.

\_\_\_\_\_  
Attorney's signature

\_\_\_\_\_  
Date

**C. Re-pretrials of continued cases.** Re-pretrials of continued cases. Where a continuance is allowed under rule L216 after pre-trial conference, the case will be rescheduled for trial. A re-pretrial conference will be held. At any such re-pretrial conference, the pretrial memorandum previously submitted shall be updated if appropriate, but otherwise need not be resubmitted.

**D. Striking cases from trial list.** Cases listed for trial shall remain so listed until settled of record, or until a verdict, adjudication or nonsuit is entered, or unless removed by order of court.

**E. Extensions.** For settlement purposes the court in its discretion may extend the pretrial conference to a settlement conference date or for a summary jury trial.

**L216. Continuances.**

**A. Time limitations.** Applications for continuance under Pa.R.C.P. No. 216 shall be submitted no later than the time set for pre-trial conferences.

**B. Prior commitments of counsel.** No continuances will be granted by reason of prior commitment of counsel in any court, state or federal, where such commitment was reasonably foreseeable and counsel has not made a reasonable attempt to secure substitute counsel.

**C. Form.** All requests for continuances of any matter before the court or board of arbitration shall be made on a one-page form as promulgated by the court and obtainable from the court scheduling office or [www.lycolaw.org](http://www.lycolaw.org). The form shall be completed as indicated and submitted to the court scheduling technician who will deliver it timely to the judge involved. The judge will take action on the request and will return it to the court scheduling technician for filing. Distribution to the parties will be made by the prothonotary, unless the court directs otherwise. Continuance requests on the required form may be submitted to the court scheduling technician by fax, and if so, the original need not be submitted unless requested by the court.

**L220. Jury Size in Civil Trials.**

A. Except as provided in subdivision B, juries in civil cases shall consist, initially, of eight members. Trials in such cases shall continue so long as at least six jurors remain in service. If the number of jurors falls below six, a mistrial shall be declared upon prompt application therefor by any party then on record.

B. Trial by a jury consisting of twelve members may be had if a written demand therefor is filed with the court as part of the original pre-trial memorandum. Such demand may appear on the pre-trial memorandum form under the heading "miscellaneous."

C. Under subdivision A hereof, each party shall be entitled as a matter of right, to four peremptory challenges, except that in cases involving multiple plaintiffs and/or multiple defendants, the trial court shall, in its discretion, determine the number of peremptory challenges available to each of the parties then of record.

**L227.3. Transcript of Testimony.** All costs of transcription of the record in post-trial motions and in appeals to higher courts will be charged as one of the costs of record, payable by appellant if the appeal is unsuccessful or by the appellee if the appeal is successful.

**L229. Discontinuance.** When a praecipe to withdraw, discontinue, or mark as settled is filed, it shall be accompanied by one copy. The prothonotary shall forward the copy to the court scheduling technician.

**L 230.2. Termination of Inactive Cases.** It is the policy of the Lycoming County Court of Common Pleas to terminate cases in which there has been no activity of record for two years or more, in accordance with the Pa. R.C.P. No. 230.2.

A. In January of each year, the prothonotary shall identify cases for termination and send notice in accordance with Pa. R. C. P. No. 230.2.

B. Upon receiving and filing a statement of intention to proceed, the prothonotary shall forward a copy to the District Court Administrator, who may then schedule the matter for a conference pursuant to Lyc. Co. R.C.P. L1007, if appropriate.

**L250.1. Americans With Disabilities Act of 1990. Notice.** When required the Notice to be included under the Americans With Disabilities Act of 1990 may be in the following form:

**Americans With Disabilities Act of 1990.**

The Court of Common Pleas of Lycoming County is required by law to comply with the Americans With Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the court, please contact the Court Administrator's office, telephone number (570) 327-2330. All arrangements must be made at least 72 hours prior to any hearing or business before the court.

**L261. Court Administrator.** The court shall appoint a court administrator, who shall serve at the discretion of the court and under the supervision and jurisdiction of the court. The duties of the court administrator shall be as itemized in these rules and as supplemented from time to time by the court.

## Service

**L400.1(b). Service of Original Process.** Original process shall be served within the Commonwealth (i) by the sheriff or a competent adult in all actions in equity, in partition, to prevent waste, and for declaratory judgment when declaratory relief is the only relief sought, and (ii) by the sheriff in all other actions.

**L430. Service by Publication.**

A. Any request for service pursuant to a special order of court under Pa.R.C.P. 430 shall comply with Rule L206.

B. Service by publication shall be made in such a manner that the person so served shall have at least ten (10) days after publication to act on the matter served by publication.

C. Service shall be complete upon the appearance of the last complete publication. Proofs of publication shall be filed before judgment or any other action is taken by the plaintiff.

D. Where service by publication is permitted by Pa.R.C.P. 410, (concerning real property actions) the notice shall be published for one week in the *Lycoming Reporter* and at least one newspaper of general circulation. The notice shall be in the form required by the rules and shall include a description of the land involved.

**L440. Use of Prothonotary's Office Mail Box.** Service of copies of legal papers, that are allowed to be served by regular mail, may be made upon the party's attorney of record who maintains an office in

Lycoming County, by placing the document in the mailbox maintained for the attorney in the office of the Lycoming County prothonotary.

### **Board of View**

- L501. Meeting Place.** All hearings of the board of view shall be held in the courthouse, unless otherwise agreed to by all interested parties.
- L502. Substitution after Appointment.** If any member appointed to the board shall for any reason be unable to attend to the duties of such appointment, he shall forthwith notify the court or the court administrator to the end that a substitution may be made.
- L503. Organization.** The board of view shall meet annually, on the first Monday following January 1st at the courthouse and organize by the election of a president, vice president and a secretary from among their number, who shall serve until their successors are elected. The president shall preside at all meetings of the board and perform such other duties as appertain to the said office. The secretary shall keep accurate minutes of all meetings of the board, in a book to be provided for the purpose, notify the members of each meeting of the board of view, and generally do and perform the duties appertaining to his said office.
- L504. Notice of Appointment.** Upon the appointment of a board of view, the clerk of the court shall forthwith notify the viewers of their appointment by mailing to each a copy of the order of the court setting forth their appointment.

### **Costs**

- L601. Non-residents and Insolvents - Security for Costs.** In cases where the plaintiff resides out of the state at the time of suit brought, or subsequently removes therefrom, and in cases where proceedings in bankruptcy or insolvency are pending against the plaintiff, the defendant, on filing an answer in actions in which an answer is required, and in other actions on filing of an affidavit of a just defense to the whole of plaintiff's demand, may enter a rule for security of costs. A garnishee in attachment execution may, in like cases, enter a rule for security for garnishee's costs after interrogatories and before answers are filed. In default of security entered at the time fixed by the court, judgment of non pros may be entered by the prothonotary in favor of the defendant or the attachment quashed in cases of attachment execution.
- L602. Bill of Costs.**
- A. **Affidavit.** The affidavit of the party or other person to the correctness of the bill and the attendance and materiality of the witnesses shall be annexed and shall be prima facie evidence to the taxing officer.

B. **Cost of transcript.** Upon the filing of the transcript of the record of a trial, the prothonotary shall record the cost thereof on the docket as a record cost as provided in Lyc. Co. R.C.P. L227.3.

C. **Bills of cost.** These shall be allowed and taxed by the prothonotary, unless manifest error in law or in fact appears in such bills.

D. **Notice of filing.** Any party filing a bill of costs shall immediately give notice of such filing to the opposite party, and in the case of Commonwealth cases, the county commissioners shall immediately be given notice. Those who receive notice of such filing shall be given a copy of the bills of costs at the same time that notice of filing is given, the copy to be furnished by the party filing the bills.

E. **Exceptions to and re-taxation of costs.** All exceptions to any bill of costs shall be in writing and be specific and shall be filed on or before the return day of the execution. Such exceptions shall be accompanied by a praecipe for a rule to show cause why the costs should not be re-taxed; this to be served upon the other party or parties in interest. Upon the filing of proper exceptions, together with a praecipe for such rule, the prothonotary shall immediately set a time for such re-taxation, with at least four (4) days notice in writing to the parties in interest and shall hear testimony if necessary.

F. **Appeal to court on costs.** Any interested party may take an appeal to the court from the re-taxation of the prothonotary. Such a hearing shall be de novo.

G. **Stay.** No exceptions or appeal shall operate to stay execution or prevent the collection of the debt or costs, but when collected on execution or paid into court, the costs excepted to will be retained until the question is decided.

## Judgment

**L702. Satisfaction of Judgment.** Whenever the prothonotary is requested to mark any judgment satisfied, whether by praecipe or otherwise, the person making or filing the request shall first satisfy the prothonotary by affidavit, and, if required by the prothonotary, by additional proof that he is the owner of the judgment or is otherwise duly authorized by such owner to cause the judgment to be marked satisfied or is a member of the bar and that the signature on the praecipe or satisfaction to be noted on the docket is genuine and authentic. Filing the affidavit required by this rule may be waived by the prothonotary only when a member of the bar of this county, known to the prothonotary or to a deputy prothonotary in attendance, appears in person in the office of the prothonotary for the purpose of satisfying a judgment. No judgment shall be satisfied by or on the order of any attorney at law unless such attorney shall have first entered his appearance for the plaintiff (defendant on a counterclaim).

## Miscellaneous

### **L901. Money Paid into Court.**

A. The defendant may, upon authorization of the court, at any time pay into court, into the hands of the prothonotary, the amount he admits to be due, together with the costs up to the time, of which he shall give notice to the opposing party, or his attorney, within ten days thereafter. The plaintiff may, upon



authorization by court, receive the amount so paid, and either enter a discontinuance or proceed to trial, at his option; but in the latter case he shall pay all costs subsequently accruing, unless he recovers judgment for a sum greater than that admitted to be due and paid into court.

B. Money paid into court shall be deposited by the prothonotary in such bank or trust company as the prothonotary may select, to the credit of the court in the particular case, and shall not be withdrawn except upon order of court. The prothonotary shall keep a record of such deposits and withdrawals.

#### **L902. Appeal of a District Justice Judgment for Possession of Real Property.**

A. A landlord's application under Pa. R.C.P.D.J. No. 1008B for the payment of sums deposited with the prothonotary shall be in the form of a motion and shall comply with the cover sheet requirement of rule L205.2(b)B.

B. At any stage of the proceedings following the filing of any appeal, either party may make an application for relief to the court, where relief is sought from scheduled payments, for special or unusual expenses, or to resolve other matters related to the appeal. The matter shall be heard within fourteen (14) days of filing.

## **Civil Actions**

#### **L1007. Case Monitoring Notice. Scheduling Order. Trial/Hearing Scheduling.**

A. This rule applies to all matters requiring a case monitoring notice pursuant to rule L205.2(b)A. When the case monitoring notice is filed, the prothonotary shall file stamp and docket the notice and immediately forward a copy to the court administrator who shall assign a judge to the case and forward the notice to that judge for further action, as follows:

(1) **Mortgage foreclosure** – trial will be scheduled at the next available time, but no sooner than thirty (30) days from the date of the notice.

(2) **Credit card collection case** – a scheduling order will be entered based on the track requested and any special scheduling concerns noted.

(3) **Forfeiture** – a pre-trial conference will be scheduled at the next available time but no sooner than thirty (30) days from the date of the notice.

(4) **Administrative agency appeal** – a conference with the court will be scheduled at the next available time but no sooner than thirty (30) days from the date of the notice.

(5) **General civil complaint** – a scheduling order will be entered based on the track requested and any special scheduling concerns noted.

(6) **Other** – as required by particular action filed.

B. A request for a revision of the scheduling order may be made by filing a motion that sets forth the reason for the request and the proposed new trial term, along with a rule L205.2(b)B. motion cover sheet. The motion shall indicate whether or not all other parties concur with the request. If the motion is uncontested, the parties shall so indicate on the motion cover sheet. If the motion is contested, the court may schedule a

conference which may, upon prior arrangement, be conducted by telephone. If the only relief requested is a continuance of the pretrial conference or trial (and not an extension of the discovery deadlines), the procedure to be followed is that required by rule L216.

C. An amended scheduling order will be entered by the court, if appropriate.

**L1012. Appearance of an Attorney. Withdrawal.** An attorney may withdraw an appearance as attorney for a party if the withdrawal occurs contemporaneously to the written entry of appearance of a new attorney. Otherwise, the withdrawal of appearance shall occur only upon leave of court after notice is given to the party. In all cases where an attorney is withdrawing his or her appearance, including when a contemporaneous entry of appearance is filed by a new attorney or after leave is granted by the court to withdraw as counsel, a written withdrawal of appearance shall be filed with the prothonotary.

**L1018.1. Notice to Defend.** Every complaint filed by a plaintiff and every complaint filed by a defendant against an additional defendant shall be in the form required by the Pennsylvania Rules of Civil Procedure. Pursuant to Pa.R.C.P. 1018.1(c), the following are designated as the offices to be named in the notice to plead from which legal help can be obtained:

IF YOU DO NOT HAVE A LAWYER CONTACT:

Pennsylvania Bar Association  
Lawyer Referral Service  
100 South Street  
P.O. Box 186  
Harrisburg, PA 17108-0186  
Telephone (800) 692-7375

IF YOU CANNOT AFFORD A LAWYER, YOU MAY BE ELIGIBLE FOR LEGAL AID THROUGH:

North Penn Legal Services  
Penn Tower Building  
25 W. Third Street, Suite 400  
Williamsport, PA 17701  
Telephone (570) 323-8741

**L1025. Designation of Trial Attorney.** Every pleading of a party represented by a firm or partnership or association of attorneys shall be endorsed so as to indicate clearly to the prothonotary the particular attorney who is supervising the conduct of the case and who is expected to try the same.

**L1028(c). Preliminary Objections.** Preliminary objections shall be filed in accordance with local rule L205.2(b)B and processed in accordance with local rule L208.3(a) and L208.3(b).

**L1034(a). Motion for Judgment on the Pleadings.** A motion for judgment on the pleadings shall be filed in accordance with local rule L205.2(b)B and processed in accordance with local rule L208.3(a) and L208.3(b).

**L1035.2(a). Motion for Summary Judgment.** A motion for summary judgment shall be filed in accordance with local rule L205.2(b)B and processed in accordance with local rule L208.3(a).

**L1049. Itemized Statements Submitted Prior to Trial.** Not less than ten (10) days before the day set for trial of any civil action, counsel may submit to opposing counsel of record or if no opposing counsel of record, to the opposing party, in writing, itemized statements of special damages claimed, such as bills for repairs, medical and hospital expenses or claims of a similar nature, and photographs or plans intended to be offered at the trial, and if not objected to in writing five (5) days prior to the trial, proof thereof shall not be required at the trial.

**L1066. Entry of Judgment - Advertisement.** Upon entry of judgment pursuant to Pa. R.C.P. 1066(a), the plaintiff shall, within ten (10) days thereafter, advertise the entry of judgment in the *Lycoming Reporter* and in a newspaper of general circulation in Lycoming County. The notice shall contain a warning that final judgment may be entered within thirty (30) days of the court's order.

## **Arbitration**

### **L1301. Cases for Submission to Arbitration.**

A. All civil cases that fall within the jurisdictional limits set by Section 7361 of the Judicial Code, 42 Pa. C.S. §7361, shall be submitted to compulsory arbitration, in accordance with the provisions of Section 7361. The amount in controversy generally will be determined from the pleadings. The court on its own motion, or on the motion of any party may, based upon affidavits, depositions, stipulation of counsel or after hearing, determine that the amount actually in controversy does not exceed the jurisdictional amount for arbitration and may enter an order submitting the case to compulsory arbitration.

B. If a case is subject to compulsory arbitration, the case monitoring notice required by rule L205.2(b)A shall be marked accordingly (with the time required for discovery indicated) and filed in accordance with rules L205 and L1007.

### **L1302. List of Arbitrators.**

A. The court administrator shall keep a current list of all members of the bar qualified and willing to act as arbitrators. Any new member of the bar will be automatically placed on the list, by the court administrator.

B. Any attorney not wishing to serve as an arbitrator shall notify the court administrator in writing and his or her name will be removed from the list, except that such resignation shall not affect his or her obligation or qualification to serve as an arbitrator upon any case to which he or she has already been appointed by the court.

#### **L1302.1. Appointment of Arbitration Panels. Substitution.**

A. Once every four months, the court administrator shall select the names of sixty-four attorneys from the list of arbitrators, for appointment to one of sixteen panels of four attorneys each. No more than one member of a particular family, firm, professional corporation, or association shall be nominated to serve on one panel.

B. Each panel will consist of three arbitrators and a substitute. Notice of the appointment shall be sent to the members of the panel by the court administrator's office.

C. In the event an arbitrator is unable to serve as appointed, he or she must notify the substitute of the conflict and then notify the court administrator, as well as the other members of the panel and the parties or counsel of record, of the substitution. In the event the substitute has already been called into service by another arbitrator on that panel or is otherwise unable to serve, the arbitrator shall contact the court administrator for the selection of an alternate arbitrator.

D. Each panel will be appointed to sit for one full day during the four-month period and hear up to two cases on that day, which will be scheduled for one-half day each.

#### **L1303. Scheduling of Hearings and Notice of Appointment.**

A. The court calendar shall set aside four days per month for arbitration hearings, providing for the scheduling of eight half-day hearings each month.

B. Upon receipt of an order directing the scheduling of an arbitration hearing, the court administrator shall schedule the case for a one-half day hearing, to commence at either nine o'clock a.m. or one o'clock p.m. Notice of the date and time of the hearing and of the arbitrator appointments shall be sent by the court administrator's office to the parties or their attorneys and to the members of the panel designated to sit that day, at least sixty days prior to the date of the hearing.

**L1304. Arbitrator's Questions.** Arbitrators shall exercise reasonable restraint in the questioning of witnesses.

#### **L1304.1. Continuances.**

A. Continuances shall be granted only by court order for good cause shown. A continuance request shall be submitted in writing to the court scheduling technician as required by rule L216C, not later than one week prior to the scheduled arbitration hearing, and served on all arbitration panel members and all parties or counsel of record. If the request is granted less than one week prior to the hearing, the requesting party or counsel shall contact the panel members and all parties or counsel of record by telephone, fax or email to inform them of the continuance.

B. When an arbitration has been continued, the court administrator shall reschedule the arbitration for an available arbitration day, at least sixty days from the date of the continuance.

C. Upon failure of a party to appear at a scheduled arbitration hearing, the arbitrators shall proceed ex parte and render an award on the merits.

**L1306. Awards.** After the case has been heard, the arbitrators shall make their award within ten days after the day of the hearing or the last adjournment thereof. Such award shall be noted on the award form contained in the court file, signed by all arbitrators and delivered to the prothonotary.

**L1308. Compensation for Arbitrators.**

A. . Each of the three members of an arbitration panel shall receive compensation in the amount of \$200.00 per case for which the member actually serves as an arbitrator, or \$100.00 if the arbitrator appears at the date and time of the hearing but no hearing is held because either (1) the matter is settled, withdrawn or otherwise terminated at that time, or (2) was previously settled, withdrawn or otherwise terminated but the arbitrator was not so notified. If the case is settled, withdrawn or otherwise terminated and the arbitrators are so notified prior to the date scheduled for hearing, they shall not be entitled to any fee.

B. A substitute arbitrator who does not serve shall receive \$50.00, unless notified prior to the date of the hearing that his or her services will not be needed.

C. Each arbitrator shall be entitled to receive additional compensation at the rate of \$50.00 per hour in any case in which the actual time spent in the hearing exceeds three and one-half (3 1/2) hours.

D. Upon the filing of the board's report or award, the prothonotary shall certify to the county controller that the report or award, if any, has been filed, together with the names of the arbitrators and substitute arbitrator to be paid and the amounts to be paid to each. The county shall then pay fees as noted on the prothonotary's certification. If an arbitrator has previously submitted a properly executed authorization form directing the donation of his or her fee to the Lycoming Law Association Foundation, the prothonotary shall so note on the certification and the county shall submit payment of that attorney's fee to the Foundation.

**L1311. Appeals.** The prothonotary shall notify the court administrator of all appeals from arbitration. All arbitration appeals shall immediately be scheduled for pre-trial conference by the court administrator, for the next available trial term.

**L1315. Settlements.** In all cases which are settled, withdrawn, or otherwise terminated at any time prior to the arbitration hearing, the attorney for the plaintiff (or the plaintiff if acting pro se) shall so notify the court administrator and the arbitrators (including any substitute). Should the arbitrators appear for the hearing due to lack of notice that the matter had been previously settled, withdrawn or otherwise terminated, the disposition and the fact of their appearance shall be noted by the arbitrators on the award form and delivered to the prothonotary.

### **Support Actions**

**L1910.10. Hearing Procedure.** The procedure provided by Pa. R.C.P. No. 1910.12 is hereby adopted.

**L1910.12. Exceptions Procedure.**

A. When exceptions are filed with the domestic relations office, they shall have attached to them a copy of the order to which the exceptions have been taken. A rule L205.2(b)B motion cover sheet is required. The hearing officer who entered the order shall be served with a copy of the exceptions.

B. The exceptions and one copy shall be filed with the prothonotary, and shall have attached to them a copy of the order to which the exceptions have been taken. A rule L205.2(b)B motion cover sheet is required. The cover sheet shall indicate whether or not a transcript of the Family Court hearing is required..

C. If a transcript is requested, a request for transcript form must be completed pursuant to L4007(A) and submitted to the senior court reporter. If the exceptions raise an issue not addressed in the order, a transcript must be requested. If a transcript is not requested and the court determines that the transcript was necessary, the court may, at its discretion, dismiss the exceptions

**L1910.14. Defendant Leaving the Jurisdiction.** Any request for relief under Pa.R.C.P. No. 1910.14 shall be filed in the domestic relations office.

**L1910.15. Paternity.** A party shall commence an action for paternity, independent of a claim for support, by filing a complaint in the domestic relations office.

## **CUSTODY AND VISITATION MATTERS**

### **L1915.3. Custody Petitions and Procedure.**

A. All pleadings relating only to custody of minor children shall include a motion cover sheet pursuant to rule L205.2(b)B.

B. All custody-related pleadings, other than those alleging contempt or requesting special relief, shall be referred to a family court hearing officer for the scheduling of an initial conference with the parties and their respective counsel.

C. If the custody action is included in a count in a divorce complaint, an initial conference before a hearing officer will be scheduled upon the filing of a praecipe. The praecipe must include an updated criminal record/abuse history verification completed by the filing party and a blank verification form for the opposing party, along with the order/notice required by Pa. R.C.P 1915.15(c)..

### **L1915.4-3. Initial Conference.**

A. The parties and their respective counsel shall appear at the initial conference before the family court hearing officer.

B. If the parties reach an agreement resolving all of the issues raised, the hearing officer shall forward an order to the court for approval setting forth the terms of such agreement.

C. If the parties do not reach an agreement resolving all issues raised, the hearing officer will conduct a non-record proceeding to establish a recommended interim order as to custody, partial custody or visitation, which will govern pending further proceedings. This non-record proceeding may be a conference with attorneys, conference with parties, and/or the taking of testimony under oath and receipt of other evidence and arguments of counsel as the hearing officer deems appropriate, based upon the particular issues raised.

D. At the conclusion of the proceeding, the hearing officer shall: 1) give the parties oral notice of the essential aspects of the recommended interim order and reasons for the recommendation; 2) make an initial determination as to the use of mediation, psychological evaluations or home studies, in accordance with Rules L1915.7 and L1915.8; 3) shall set a date for the pretrial conference.

E. No exceptions may be filed to an interim order entered in a custody action.

F. Any recommended interim order of the hearing officer shall be submitted to the court for approval and upon court approval shall have the effect of a pre-trial order.

G. The hearing officer may refer the parties to mediation and, if so, may direct a date by which the parties must commence the mediation process. The date set for the pre-trial conference shall allow sufficient time for completion of the mediation process. If mediation terminates prior to the anticipated completion date, the mediator shall notify the court administrator who may then reschedule the pre-trial conference for an earlier date. The expense of mediation shall be paid by the parties in accordance with the agreement between Lycoming County and the mediator as the same may exist from time to time.

**L1915.7. Settlement.** A custody case will be removed from the conference or pre-trial schedule and/or the custody trial list only upon the filing of the settlement agreement or court order.

**L1915.8. Physical/Mental/Psychological Examinations and Home Studies.** Upon agreement of the parties at the initial conference, the hearing officer may include in the recommended interim order a direction that the parties obtain physical, mental or psychological examinations and/or home studies, prior to the date of the pre-trial conference and may establish a date by which the parties must make the initial arrangements.

**L1915.12. Required Certification for Petition for Civil Contempt Relating to a Custody Order.**

A. Any petition requesting a finding of contempt of a custody order must also contain, as an exhibit, a certification by counsel or by the pro se litigant, of the effort to resolve the alleged contempt without resort to the court. At a minimum, the certification shall specify which of the following applies:

1. The opposing party is represented by counsel. Counsel was apprised of the alleged contemptuous conduct and that a contempt petition would be filed unless remedial steps were offered, but the opposing party, through counsel, has declined to offer sufficient remedial steps. Such remedial steps may include assurance of compliance with the order and replacement time for custody or visitation time claimed to have been lost to the petitioning party by the alleged contemptuous conduct.

2. The opposing party is not represented by counsel. The opposing party was apprised in writing of the alleged contemptuous conduct and warned that a contempt petition would be filed unless remedial steps were offered, but the opposing party has declined to offer sufficient remedial steps. Such remedial steps may include assurance of compliance with the order and replacement time for custody or visitation time claimed to have been lost to the petitioning party by the alleged contemptuous conduct.

3. Remedial steps were offered by the opposing party, but were then not taken within a reasonable period of time.

4. Due to special circumstances (described in detail in the certification) an attempt to resolve the matter without filing a petition for contempt is likely to cause significant prejudice (also described) to the petitioning party.

B. Failure to attempt resolution of the alleged contempt in accordance with the requirements of this rule could be cause for dismissal to the petition for contempt.

## Divorce or Annulment of Marriage

**L1920.16 Bifurcation.** A request for bifurcation shall be made by motion in accordance with the procedure set forth in rule L205.2(b)B., and will be scheduled before a judge for a hearing.

**L1920.51. Appointment of Hearing Officer.**

A. The following matters shall be heard by a hearing officer:

1. Alimony.
2. Equitable division of marital property.
3. Counsel fees.
4. Costs and expenses.
5. Divorce pursuant to 3301(a) or 3301 (b) of the Divorce Code.
6. Date of separation dispute under 3301(c)2 or 3301(d) of the Divorce Code.

B. Upon the appointment of a hearing officer pursuant to A.1 - A.4 above, an order will be entered scheduling a scheduling conference with the hearing officer.

C. Upon the appointment of a hearing officer pursuant to A.5 - A.6 above, an order will be entered scheduling a hearing with the hearing officer.

D. Appointment of Hearing Officer. Form of Order.

1. The motion for appointment of hearing officer shall be accompanied by a proposed order that identifies the section of the Divorce Code under which grounds have been established and the ancillary claims the hearing officer is being appointed to hear.

2. The motion for appointment of hearing officer shall indicate under which section of the Divorce Code the divorce is being sought, as well as indicate the date the affidavit of consent or affidavit of separation were filed.

3. The form of the proposed order shall be substantially as follows:

### IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

Plaintiff :  
vs : : NO.  
Defendant :

### ORDER

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, upon receipt of plaintiff's motion for appointment of hearing officer, the court hereby finds that grounds for divorce have been established pursuant to [§3301©] [§3301(d)] of the Divorce Code, as averred in the attached motion.

\_\_\_\_\_ is hereby appointed hearing officer with respect to plaintiff's claims for:  
\_\_\_\_\_.

By the Court,

Judge



**L1920.53. Hearing by Hearing Officer. Report.** Requests for continuances of conferences or hearings before a hearing officer shall be directed to the family court hearing office for decision by the hearing officer.

**L1920.55-1. Matters Referred to a Hearing Officer.** The procedure of Pa.R.C.P. 1920.55-2 is hereby adopted.

**L1920.55-2. Exception Procedure.** The original and one copy of exceptions to a hearing officer's report and recommendation shall be filed with the prothonotary and include the report and recommendation to which the exceptions have been taken. A rule L205.2(b)B motion cover sheet is required. The cover sheet shall indicate whether a transcript is required. If a transcript is requested, the procedure of rule L4007(A) shall be followed.

**L1930.5. Discovery.** Any request for discovery in a simple support, custody, protection from abuse or protection from victim of sexual violence or intimidation case shall be made to the court by filing a motion for leave to take discovery setting forth the type of discovery sought and reasons therefor. This shall not preclude the parties from stipulating to additional discovery. All discovery authorized by order of court shall be subject to the limitations of rule L4005.

**L2039. Minor's Action - Compromise, Settlement, etc.** No settlement of an action of a minor for personal injuries will be authorized or approved without the appearance of the minor in court, medical evidence as to the extent of the minor's injuries, and such further information as the court will deem necessary; provided, however, that if the petition of the guardian for the compromise of a minor's action is accompanied by:

(1) written medical evidence as to the minor's medical condition and his or her prognosis,

(2) a statement under oath by the guardian certifying,

(a) the present physical or mental condition of the minor, and

(b) approval of the proposed settlement and distribution thereof;

(3) a statement by counsel of his professional opinion of the probabilities of proof of defendant's negligence by plaintiff and the minor's negligence, if any, by defendant; and,

(4) in the event that the minor is sixteen (16) years of age or over, his or her written approval of the proposed settlement and distribution thereof; the judge to whom said petition has been presented may approve the petition without requiring the appearance of the minor, his guardian or his doctor, in the event that he concludes that the information contained in the petition is sufficient to satisfy him that the proposed settlement adequately compensates the minor and his guardian for the injuries sustained and expenses incurred.

**L2232. Notice of Pendency of Action.** Notice required by Pa.R.C.P. No. 2232 Shall contain a statement of the pendency of the action, the prothonotary's number of the action, the parties in the action and nature thereof and that the person to whom it is addressed is required to join therein within twenty (20)

days after receipt of such notice or his cause of action will be barred and the action will proceed without him. Proof of service shall be by affidavit accompanied by a copy of the notice and the return receipt and shall be filed with the prothonotary.

**L4005. Interrogatory Limits.** In the case of interrogatories served pursuant to Pa. R.C.P. No. 4005, the first set of interrogatories propounded to a party may not exceed fifty (50) in number, including subparts, whether or not they are separately numbered. In the event that the response given to the first set of interrogatories is considered by the requesting party to indicate a need for additional interrogatories, a second set of interrogatories, limited to fifty (50) including subparts, may be served upon a party. The second set of interrogatories must be case specific. The responding party shall not be compelled to answer any interrogatories beyond the number allowed under this rule. The court may, in its discretion, allow additional interrogatories to be served in an appropriate case.

# Lycoming County Orphans' Court Rules

(Cite as Lyc. Co. O.C.R. L\_\_\_\_)

**L1.8. Motion Procedure. Cover Sheet.** The procedure set forth in this section shall apply to every request for relief and/or application to the court for an order, whether by petition, motion, objections, or stipulation, that the filing party desires to bring before the court.

A. A cover sheet substantially in the form set forth in subsection G of this section shall be attached to the front of every request for a court order to which this rule applies.

B. The cover sheet shall consist of only one page. Captions may be abbreviated. If additional space is necessary to list counsel and unrepresented parties, a separate sheet may be attached. The filing party or counsel shall be responsible for identifying all parties and others to be given notice or their counsel on the cover sheet. If a party was not served with a copy of the executed cover sheet as a result of an omission of the filing party, the argument or hearing may be rescheduled or, in the discretion of the court, the request for relief may be denied.

C. If a cover sheet is not attached as required by this rule, the court may choose not to act upon the request for relief until an appropriate cover sheet is filed. If the filing party does not attach a cover sheet as required by this rule, a cover sheet, along with a copy of the original motion may be filed by any party, or the court.

D. If expedited consideration by the court is requested or required by statute or rule of procedure, the reason for such consideration shall be set forth on the cover sheet.

E. A proposed order granting the relief requested shall be attached to the cover sheet.

F. The court shall schedule argument, hearing or briefing as the court may require, note the scheduling information on the cover sheet, and issue the scheduling order appearing on the cover sheet. The clerk shall docket and promptly forward the completed cover sheet to all parties identified on the cover sheet. The court may by order set additional service requirements, if the circumstances so require.

G. The form of the cover sheet shall be substantially as follows:



**L2.6. Proposed Decree of Distribution.** At the time of filing the account and petition for adjudication/statement of proposed distribution, the accountant shall also file a proposed decree of distribution to be issued by the court expressly confirming the account or approving the petition for adjudication/statement of proposed distribution and specifying, or indicating by reference to the petition for adjudication/statement of proposed distribution, the names of those to whom the balance available for distribution is awarded and the amount or share awarded to each.

**L2.7. Time for Filing Objections.** Objections to an account and/or a petition for adjudication/statement of proposed distribution shall be filed with the clerk within twenty (20) days of the date of service of the notice of account filing.

**L2.9. Confirmation of Accounts; Awards.** If no objections are filed by the date for objections set forth in the notice of account filing, or any extension of that date allowed by the court, the clerk shall submit the account and petition for adjudication/statement of proposed distribution, along with the proposed decree of distribution, to the court for confirmation of the account or approval of the petition for adjudication/statement of proposed distribution.

**L2.10. Foreign Heirs and Distributees.** A report filed pursuant to Pa.O.C. Rule 2.10 shall be in the form of an affidavit and shall be filed at the same time that the account and statement of proposed distribution are filed.

**L9.1. Notice of Auditor's or Master's Hearing.** Notice of hearings to be held by a master or auditor shall be given at least 20 days before the date of the hearing to all those given notice of the request for the appointment of an auditor or master and all other interested parties.

**L9.6. Notice of Filing Auditor's or Master's Report.** At the time of filing the report, an auditor or master shall give notice of the filing of the report to all those given notice of the request for the appointment of an auditor or master and all other interested parties. In the case of an auditor's report, the notice shall state that in the absence of objections, the report will be confirmed 20 days after the date the report was filed.

**L9.7. Confirmation of Report** If no objections are filed to the report of a master or auditor within 20 days of the date of notice to interested parties of its filing, the clerk shall submit the report to the court for confirmation or adoption of the report's recommendations.

**L14.2. Incapacitated Persons**

A. Notice in matters involving adjudication of incapacity or appointment or removal of a guardian for an incapacitated person is required on all persons who are sui juris individuals and are heirs of the alleged or adjudicated incapacitated person, as defined by the intestacy laws of Pennsylvania. Such notice is required even if the person does not reside within the Commonwealth of Pennsylvania.

B. Notice required in matters involving adjudication of incapacity or appointment or removal

of a guardian for an incapacitated person, other than notice upon the alleged or adjudicated incapacitated person, shall be by personal service, by service in such manner as the court directs and/or as directed by statute in that particular case; or may be made by first class mail, postage prepaid, to the known or last known address. In the latter case, a certificate of service shall be prepared and filed verifying that the address used is the proper known or last known address, and attaching a postal service certificate of mailing.

**C. Notice and Service.** The petition shall include a notice and citation as prescribed by the Pennsylvania Orphans= Court Rules. Petitioner shall be responsible for obtaining a completed notice and citation from the clerk, and petitioner shall be responsible for proper service of the petition, notice and citation. In all cases, service of the petition, notice and citation shall be made upon the alleged or adjudicated incapacitated person by personal service by the sheriff or by any other competent adult, and the person making such service shall read to the alleged or adjudicated incapacitated person the petition, notice and citation, and then for a second time the notice and citation. The person making service shall explain the contents to the extent possible.

**D. Service of emergency guardianship petition.**

(1) Service of emergency guardianship petition on alleged incapacitated person. Petitioner shall serve the emergency guardianship petition in person on the alleged incapacitated person no more than 48 hours after the hearing is scheduled and no less than 48 hours before the hearing. In the event there is not 48 hours between the time the hearing is scheduled and the hearing date and time, petitioner shall serve the emergency guardianship petition in person on the alleged incapacitated person within a reasonable amount of time prior to the emergency guardianship hearing. What is a reasonable amount of time shall depend upon the circumstances, such as the amount of time that exists between the time the hearing is scheduled and the actual hearing date. It shall be in the court=s discretion to determine the timeliness of the service. Petitioner must offer evidence via affidavit and be prepared to present testimony to prove the reasonableness of the service.

(2) Service of emergency guardianship petition on sui juris individuals, agents under a power of attorney, residential service providers, and other service providers. Petitioner shall serve the emergency guardianship petition on all persons who are sui juris individuals and would be entitled to share in the estate of the alleged incapacitated person if he or she died intestate at that time (even if the person does not reside within the Commonwealth of Pennsylvania), on the agents under the alleged incapacitated person=s power of attorney, on the person or institution providing residential services to the alleged incapacitated person, and on such other parties as the court may direct, including other service providers, in any reasonable manner and within a reasonable amount of time prior to the emergency guardianship hearing. Any reasonable manner shall include service in person or by telephone, facsimile, mail, or electronic transmission depending upon the circumstances. However, service by telephone alone shall not be the favored method and shall be used only in circumstances where the other methods of service would not be timely.

What is a reasonable amount of time shall depend upon the circumstances, such as the amount of time that exists between the time the hearing is scheduled and the actual hearing date. It shall be in the court's discretion to determine if the manner and timeliness of the service were reasonable. Petitioner must offer evidence via affidavit and be prepared to present testimony to prove that the manner and timeliness of the service were reasonable.

**E. Return of Service.** Petitioner is responsible for filing a return of service conforming to Pa.R.C.P. No. 405, which also confirms that the contents of the notice and citation of the petition were read and, to the extent possible, explained, to the respondent as set forth in paragraph C, above.

**F. Petition.** A petition for adjudication of incapacity and/or for appointment of a guardian of the estate of the person shall be substantially in the form prescribed by Lyc. Co. O.C.R. L14.5(e), and shall contain all the items of information referred to therein. Language used in the petition should be easily understood. It is recommended that an affidavit of a physician or clinical psychologist be attached which contains a description of the physical and mental condition, any functional limitations and whether or not the respondent would be harmed by attendance at the proceeding to determine incapacity.

**G. Status report on legal representation.** At least 14 days prior to the date established for hearing on the petition, petitioner shall file in duplicate a status report on legal representation, in substantially the form prescribed by Lyc. Co. O.C.R. L14.5(f), each of which should have attached, under the proper caption, the appropriate order, in substantially the form prescribed by Lyc. Co. O.C.R. L14.5(g).

**H. Proposed findings of fact.** Petitioner shall provide to the court, at or before hearing, proposed findings of fact in a form suitable for adoption by the court at hearing. Such findings shall include, inter alia, in separately numbered statements, at least the facts petitioner intends to establish which are required in order for the court to grant the relief requested

**I. Periodic report of the guardian of the person.** Within one year of the date of appointment and annually thereafter, or with such greater frequency as the court may direct, every guardian of the person of an incapacitated person shall file a periodic report of the guardian of the person in substantially the form prescribed by the Pennsylvania Orphans' Court Rules. Notice and service of said report shall be in such manner as the court shall direct.

**J. Periodic report of the guardian of the estate.** Within one year of the date of appointment and annually thereafter, or with such greater frequency as the court may direct, every guardian of the estate of an incapacitated person shall file a periodic report of the guardian of the estate in substantially the form prescribed by the Pennsylvania Orphans' Court Rules. Notice and service of said report shall be in such manner as the court shall direct.

**K. Filing of emergency guardianship petition.** In all cases where an emergency guardianship petition is filed, a plenary petition shall be filed at the same time. Additionally, with the filing of the emergency and plenary petitions, petitioner shall file a motion cover sheet in accordance with Lyc. Co. O.C.R. L1.8(c). The motion cover sheet shall include within the order a rule to show cause as to why the alleged incapacitated person shall not be adjudicated incapacitated. Petitioner shall serve the executed motion cover sheet on the alleged incapacitated person, counsel for the

alleged incapacitated person, all persons who are sui juris individuals and would be entitled to share in the estate of the alleged incapacitated person if he or she died intestate at that time (even if the person does not reside within the Commonwealth of Pennsylvania), on the agents under the alleged incapacitated person's power of attorney, on the person or institution providing residential services to the alleged incapacitated person, and on such other parties as the court may direct, including other service providers. In the event petitioner determines that the plenary petition is not necessary, petitioner shall file a verified statement explaining the reason for the lack of necessity of the plenary guardianship. The verified statement shall be substantially in the following form:

IN THE MATTER OF \_\_\_\_\_ : IN THE COURT OF COMMON PLEAS OF  
An alleged incapacitated person : LYCOMING COUNTY, PENNSYLVANIA  
: :  
: ORPHANS' COURT DIVISION  
: :  
: NO. \_\_\_\_\_

**STATEMENT EXPLAINING REASON FOR LACK OF NECESSITY OF PLENARY GUARDIANSHIP**

I, \_\_\_\_\_, petitioner/counsel for petitioner in the above-referenced matter, hereby state, subject to the penalties of 18 Pa.C.S. ' 4904 relating to unsworn falsification to authorities, that a plenary guardianship is not necessary for the following reason(s):

---

---

---

---

---

---

---

Respectfully submitted,  
Petitioner/Counsel for Petitioner

Dated: \_\_\_\_\_

\_\_\_\_\_  
[address]  
[telephone number]

**L14.5. Forms.**

A. The Petition to Adjudicate Incapacity and for the Appointment of a Guardian. The petition to adjudicate incapacity and for the appointment of a guardian referred to in Lyc. Co. O.C.R. L14.2F shall be substantially in the following form:



IN THE MATTER OF

: IN THE COURT OF COMMON PLEAS OF  
: LYCOMING COUNTY, PENNSYLVANIA

\_\_\_\_\_  
An alleged incapacitated person

:  
: ORPHANS' COURT DIVISION

:  
: NO. \_\_\_\_\_

**PETITION TO ADJUDICATE INCAPACITY PURSUANT TO 20 Pa.C.S. § 5511 AND FOR THE APPOINTMENT OF A GUARDIAN OF THE PERSON/OR OF THE ESTATE OF \_\_\_\_\_**

TO: The Honorable Judge of the Lycoming County Court:

The petition of (name of petitioner) respectfully states:

1. Name and current address of petitioner:
2. Petitioner's relationship to and interest in the alleged incapacitated person's welfare:
3. Name, age, residence and post office address of the alleged incapacitated person:
4. Name and address of person or institution providing residential services to the alleged incapacitated person:
5. Names and addresses of spouse, parents and all persons who are sui juris individuals and who would be entitled to share in the estate of the alleged incapacitated person if that person died intestate:
6. Names and addresses of medical, social, residential, and other service providers:
7. State whether alleged incapacitated person has or has not been a member of the United States armed services and whether he or she is or is not receiving any benefits from the United States Veterans Administration:
8. State whether any court has ever assumed jurisdiction in any proceeding to determine the competency or capacity of the alleged incapacitated person, and whether any guardian of the person and/or estate has ever been appointed:
9. The name and address of alleged incapacitated person's attorney, if known, or the attorney known to represent the alleged incapacitated person on other legal matters:
10. The reason why guardianship is sought:
11. A description of the functional limitations and physical and mental conditions of the alleged incapacitated person:
12. Allegations of fact regarding the services being utilized to meet essential requirements for the alleged incapacitated person's physical health and safety, to manage the person's financial resources or to develop or regain the person's abilities:
13. Allegations of fact regarding the type of assistance required by the alleged incapacitated person and as to why no less restrictive alternatives would be appropriate:
14. Allegations of fact regarding the probability that the extent of the alleged incapacitated person's incapacities may significantly lessen or change.
15. For each type of guardian being requested, the name and address of the person or entity whom petitioner asks to be appointed as guardian:
16. An averment that the proposed guardian has no interest adverse to the alleged incapacitated person:
17. Qualifications of proposed guardian:
18. The specific areas of incapacity over which it is requested that the guardian be assigned powers:
19. If guardian of the estate is being sought, the petition shall also include the gross value of the estate and net income from all sources to the extent known:

**WHEREFORE**, petitioner prays this Honorable Court to grant the following relief:

\_\_\_\_\_  
(Petitioner)

B. The status report on legal representation referred to in Lyc. Co. O.C.R. L14.2G shall be substantially in the following form:

**IN THE MATTER OF**  
\_\_\_\_\_  
**An alleged incapacitated person**

**: IN THE COURT OF COMMON PLEAS OF**  
**: LYCOMING COUNTY, PENNSYLVANIA**  
:  
**: ORPHANS' COURT DIVISION**  
:  
**: NO. \_\_\_\_\_**

**STATUS OF ALLEGED INCAPACITATED PERSON'S LEGAL REPRESENTATION**

1. The Petition to Adjudicate Incapacity and for the Appointment of a Plenary Guardian of the Person and the Estate in the above-referenced matter was filed with this Honorable Court on \_\_\_\_\_ [date] *(or is being filed herewith)*.
2. Service of the Petition to Adjudicate Incapacity and for the Appointment of a Plenary Guardian of the Person and the Estate was served on the alleged incapacitated person on \_\_\_\_\_ [date] *(or has not been served to date)*.
3. The Hearing on the Petition to Adjudicate Incapacity and for the Appointment of a Plenary Guardian of the Person and the Estate has been scheduled for \_\_\_\_\_ [date] *(or has not been scheduled yet)*.
4. Counsel for the alleged incapacitated person *(is) (is believed to be)*: [name, address, and telephone number] **or** Petitioner does not believe that the alleged incapacitated person is represented by counsel.
5. According to Petitioner's knowledge and belief, the assets of the alleged incapacitated person consist of approximately \$\_\_\_\_\_.
6. [If the alleged incapacitated person is unrepresented] Petitioner requests that counsel for the alleged incapacitated person be appointed by this Honorable Court and pursuant to 20 Pa.C.S. § 5511(c), be compensated by Lycoming County **or** Petitioner requests that counsel for the alleged incapacitated person be appointed by this Honorable Court and not be compensated by Lycoming County.

Respectfully submitted,  
Petitioner/Counsel for Petitioner

Dated: \_\_\_\_\_

\_\_\_\_\_  
[address]  
[telephone number]



# Lycoming County Rules of Criminal Procedure

(Cite as Lyc. Co. R. Crim. P. L\_\_\_\_)

## **L122. Assignment of Counsel.**

A. Applications for assignment of a public defender shall be submitted to the public defender's office. Applications shall be approved or rejected in accordance with specific written standards established by the court, which shall be available for inspection in the public defender's office. The application will be approved or rejected by the chief public defender, and in the event of rejection the defendant will be advised of the right to appeal to the court.

B. Nothing herein contained shall prevent the court, after notice and hearing, from revoking an appointment of counsel due to the non-indigency of the defendant, but in no event shall a revocation be made when the effect thereof would require a continuance of the trial of the case.

**L202. Approval of Search Warrant Applications by Attorney for the Commonwealth.** The District Attorney of Lycoming County having filed a certification pursuant to Pa.R.Crim.P 202, search warrants in all circumstances shall not hereafter be issued by any judicial officer unless the search warrant application has the approval of an attorney for the Commonwealth prior to filing.

**L507. Approval of Complaints and Arrest Warrant Affidavits by the Attorney for the Commonwealth.** The District Attorney of Lycoming County, having filed a certification pursuant to Pa. R. Crim. P. 507, criminal complaints and arrest warrant affidavits for all felony charges and any offenses requiring registration pursuant to 42 Pa.C.S §9799.14 shall not hereafter be accepted by any judicial officer unless the complaint and affidavit have the approval of an attorney for the Commonwealth prior to filing.

**Note:** The District Attorney's certification was filed on March 12, 2015 with the Clerk of the Courts of Lycoming County, to docket number MD.

## **L525. Bail.**

A. The person for whom bail has been set, or a private third party surety, shall, with the approval of the court or issuing authority, execute a bail bond and deposit with the clerk of courts or issuing authority, a sum of money equal to ten percent (10%) of the bail, but in no event shall such deposit be less than fifty (\$50.00) dollars. Corporate sureties are expressly prohibited from posting the deposit for bail set under this section.

B. In all court cases, except ROR or nominal bail, an administrative fee shall be paid to the clerk of courts at the time the bail bond is executed. In ROR and nominal bail, an administrative fee shall be added to the bail amount in the event of a default. The administrative fee shall be considered as earned at the time the bail undertaking is executed.

C. In all cases where there has been a non-appearance before a magistrate and a bail bond has been executed, the bail bond shall be immediately transmitted to the clerk of courts along with a written statement of the details concerning the defendant's non-appearance and an order declaring the forfeiture of bail.

D. Judgment shall be entered immediately, under the direction of the prothonotary and clerk of court in all bail situations except ROR, nominal bail and full cash bail, unless the issuing authority or court directs that judgment be entered in these instances.

E. When the conditions of a bail bond have been performed and the defendant has been discharged from all obligations in the cause, upon an appropriate order of court, the clerk of court shall return to the accused, unless the court orders otherwise, the entire amount of cash bail deposited, less any unpaid administrative costs. In the event that judgment has been entered on any bail bond, upon receiving an order that the defendant has been discharged from all obligations, the clerk of courts shall mark the judgment satisfied on the record.

F. If the defendant does not comply with the conditions of the bail bond, the court shall enter an order pursuant to Pa. R. Crim. P. 536 and notice of such order of forfeiture shall be mailed forthwith by certified mail to the defendant at his last known address.

G. If the court orders the defendant to pay a fine and costs of prosecution, the balance of any cash bail deposited by the defendant may be applied to the payment of said fine and costs, as ordered by the court. Where a third party surety has posted a deposit, the deposit may be applied to the payment of fine and costs upon the written authorization of third party surety.

H. Upon authorization in writing of any party who posted a cash deposit, the court may order whatever amount is repayable from such deposit to be paid to the defendant's attorney of record.

I. Any cash deposits not claimed within one year from the notice of full and final disposition of the case shall be deemed as fees and shall be forfeited to the court. Notice of such proposed forfeiture shall be sent to the accused, the surety, if any, and the attorney of record.

J. When a defendant has failed to comply with the rules and regulations of the bail bond, or any additional conditions of his release, he may be brought before the court to determine if additional bail shall be set in his case.

K. In all cases where the accused's case is disposed of through a verdict of not guilty, or a dismissal, through nolle prosequere, or otherwise, the administrative costs provided for in this rule shall be returned to the accused. These costs shall then be placed on the county.

L. If the accused asserts an inability to pay the administrative fee set forth in this rule, the matter shall be handled by the issuing authority through the filing of a petition to proceed *in forma pauperis*.

**L530. Designation and Powers of County Bail Agency.**

A. The Lycoming County Bail Release Program is hereby designated as the county bail agency pursuant to Pa.R.Crim.P. 530.

B. The bail agency shall have all of the duties and powers specified in Pa.R.Crim.P. 530, including the authority to supervise persons released on bail pursuant to conditions established by the bail agency and approved by the court, and the authority, upon issuance of a bail piece, to apprehend and detain a defendant for the purpose of bringing the defendant before the bail authority, as provided for in Pa.R.Crim.P. 536(B).

C. The county bail agency shall, in all cases, be qualified to act as supervisory agency with respect to supervised and intensive supervised bail, and may be so designated by the court or issuing authority; but the county bail agency shall incur no financial liability by acting as supervisory agency.

D. Designation of the county bail agency as the supervisory agency in supervised and intensive supervised bail cases shall subject the defendant to the supervisory rules and regulations of that agency.

E. Designation of the county bail agency as supervisory agency shall authorize the county bail agency to charge a fee payable to Lycoming County for the performance of the supervisory obligations mandated by Pa.R.Crim.P. 530, which fee will be set from time to time by administrative order of the court.

F. Nothing in this rule shall prohibit the posting of any other type of bail allowed under Pa.R.Crim.P. 527, by other private or licensed sureties.

G. Any designation of the Lycoming County Bail Release Program as supervisory agency shall be listed on the bail bond as a condition of bail pursuant to Pa.R.Crim.P. 526.

H. Any defendant taken into custody pursuant to a bail piece issued by a judge of this court under section A of this rule shall be processed and afforded a hearing before the court in accordance with the procedure set forth in Pa.R.Crim.P. 150.

**L540. Preliminary Arraignment.** In advising the defendant of the right to choose counsel and of the right to be assigned counsel, the issuing authority shall specifically describe the procedure to be followed in applying for assignment of counsel and shall have public defender application forms available.

**L578. Continuances.** All requests for continuances shall be on forms provided by the court administrator.

**L700. Sentencing Judge.** The sentence on a plea of guilty or nolo contendere may be imposed by a judge other than the judge who received the plea of guilty or nolo contendere. In such event, the defendant must be so notified at the time of entering the plea.

# **Lycoming County Court of Common Pleas Standards for Courtroom Decorum**

(Cite as Lyc. Co. R. Crim. P. L\_\_\_\_)

1. Attorneys should stand while addressing the court or jury, except where voicing an objection or making a statement of only a few words.
2. Attorneys should maintain a substantial distance between themselves and witnesses whom they are examining in order to maintain the voice level of both witness and attorney, to avoid intimidation of the witness and to avoid a tendency toward undue informality. It is proper to approach witnesses who are hard of hearing or when handling exhibits or when questioning concerning a map or diagram.
3. Attorneys during trial should avoid exhibiting familiarity with witnesses, jurors, or opposing counsel. Jurors and opposing counsel should never be referred to by their first names, and only when a witness is a youngster, or with permission of court, may a witness be addressed by his first name.
4. Attorneys should be impersonal toward the court and should address the court in the third person, as "the court will remember the testimony" and not, "You will remember". When the judge is on the bench he should be addressed as "Your Honor" and not as "You."
5. When objection is made to a question asked by a trial attorney he should refrain from asking the witness another question until the court has had an opportunity to rule upon the objection.
6. All objections and arguments should be made to the court rather than to opposing counsel. Bickering between counsel during the course of a trial is impermissible.
7. After an objection has been argued and the court has announced its decision, counsel should accept the decision and should not make further comment or argument, unless upon request the court permits counsel to reopen the argument.
8. Before beginning an opening statement or a closing argument counsel should first address the court by saying, "May it please the Court" or similar words and acknowledging his opposing colleague by saying, "Mr. \_\_\_\_\_".
9. A male attorney appearing in court should be dressed with a coat, shirt and tie. A female attorney should use comparably conservative attire.
10. An attorney desiring a sidebar conference should first obtain leave of court before approaching the bench.
11. All attorneys who hold or have held titles such as judge, colonel, senator, etc. may not use such titles nor should they be referred to by these titles while in the courtroom.
12. When a trial is in progress or about to begin, attorneys should not permit their clients or witnesses to use the judge's office waiting room; rather, a jury room or other witness room should be used in order to avoid any appearance of familiarity or acquaintanceship between the court and one party or witness.
13. Exhibits should be numbered in advance of their use in trial. Similarly, diagrams of the scene of an accident or incident should be prepared in advance and not from the witness stand.
14. Attorneys should anticipate the major legal issues which will arise during a trial and should present them to the court at the pre-trial conference, or in any event, at an early time in order that arguments and

decision can be made without using jury time.

15. Sidebar conferences disrupt the orderly flow of the trial and are distracting to a jury. The judge cannot ordinarily know in advance whether a requested sidebar conference is necessary, and so the burden must rest upon counsel to make very limited use of the request for sidebar conference.
16. A trial attorney, like the English barrister, should take professional pride that his questions are rarely objectionable and his objections are seldom questionable.
17. Counsel should not thank the court for a favorable ruling, or the jury for a favorable verdict.
18. Police officers appearing as witnesses should not bear visible arms, and where avoidable, should not appear in uniform.



**LYCOMING LAW ASSOCIATION  
WORKING RULES FOR PROFESSIONALISM  
(Adopted January 13, 1997)**

The practice of law is a profession, a genuine calling inspired with service to the system of justice, not a common business enterprise. The quality of the profession is only as worthy as the character of the people who practice it.

Self-esteem, shared respect for each other, the clients we serve, the judges and the officer with whom we work, are essential to it.

Civility is a virtue, not a shortcoming. Willingness to temper zeal with respect for society's interest in preserving responsible judicial process will help preserve it.

Unwritten rules of professional courtesy have long sustained us. Since they are sometimes forgotten, or sometimes ignored, we should set them down again and conscientiously observe them.

1. Treat with civility the lawyers, clients, opposing parties, the Court and all the officers with whom we work. Professional courtesy is compatible with vigorous advocacy and zealous representations.

2. Communications are life lines. Keep the lines open. Telephone calls and correspondence are a two-way channel; respond to them promptly.

3. Respect other lawyers' schedules as your own. Seek agreement on meetings, depositions, hearings and trial dates. A reasonable request for a scheduling accommodation should never be unreasonable refused.

4. Be punctual in appointments, communications and in honoring scheduled appearances. Neglect and tardiness are demeaning to others and to the judicial system.

5. Procedural rules are necessary to judicial order and decorum. Be mindful that pleadings, discovery processes and motions costs time and money. They should not be needlessly used. If an adversary is entitled to something, provide it without unnecessary formalities.

6. Grant extensions of time when they are reasonable and when they will not have a material, adverse effect on your client's interest.

7. Resolve differences through negotiation, expeditiously and without needless expense.

8. Enjoy what you are doing and the company you keep. You and the world will be better for it.

Beyond all this, the respect of our peers and the society which we serve is the ultimate measure of responsible professional conduct.

## Lycoming Law Association Title Search Customs

In order to produce continuity of practice among members of the Lycoming Law Association, the following statements are recognized as the prevailing customs in the matter of examining and certifying or insuring titles to real estate in Lycoming County and that certificates of title shall be subject to and in accordance with the following customs:

1. To examine titles to real estate for a period of 50 years prior to the date of certification or insurance of title, providing however, that the beginning point of the search shall be a deed or other instrument purporting to convey a full fee simple title, and which contains a special or general warranty. A straw conveyance, quitclaim, or fiduciary deed shall not be considered an appropriate beginning point.
2. To consider only mortgages recorded within 50 years of the date of the search or within such period as is required by Paragraph 1 above, whichever is longer, and to disregard others, unless the mortgage is charged in or referred to in a document in the chain of title which has been recorded or filed within 50 years, or unless the present ownership or the immediate source of title of present ownership is the party subject to such mortgage.
3. To disregard all charges unreleased of record which are more than 31 years old, including the lien of legacies created by wills proven more than 31 years ago, unless the charge is referred to as being in force and effect in a document in a chain of title which has been dated and recorded or dated and filed within 31 years.
4. To consider as sufficient evidence of the veracity of the facts any statement contained in a document dated and recorded or dated and filed more than 30 years preceding the search, pertaining to the following:
  - (a) that certain charges have been paid and released and reciting the parties to the release and the date thereof;
  - (b) any other document covered under the Ancient Document Rule of the Commonwealth of Pennsylvania.
5. To consider as sufficient evidence of the veracity of the facts any statement contained in a document acknowledged and filed or recorded which recites the date of death or the fact of death of anyone appearing in the chain of title.
6. To consider as sufficient evidence of the veracity of the facts of any statement concerning marital status of a grantor contained in a deed which has been properly acknowledged and recorded.
7. To accept the veracity of the facts of any statements pertaining to identification of the heirs of a deceased owner made in accordance with any of the following:
  - (a) The statements are contained in a deed or recorded document dated and filed more than 21 years previously; or
  - (b) The statements are contained in an affidavit made by one who has personal knowledge of the subject matter and who has no direct pecuniary interest in the transaction to which the statements relate.
8.
  - (a) To disregard cases where a male grantor makes conveyance without the joinder of his

wife if said conveyance is dated and acknowledged prior to January 1, 1918.

(b) To disregard cases where a conveyance of individually owned property is made without joinder of a spouse where the conveyance was made after June 18, 1978, except as indicated herein. In certain situations where a decedent has conveyed individually owned property without the joinder of a surviving spouse, the surviving spouse must convey title to remove clouds on the title. These situations are:

- (i) The decedent conveyed the property subject to a reservation of the right to use or occupy the property for life;
- (ii) The decedent conveyed the property subject to a reservation of the right to revoke the conveyance or invade or dispose of the property;
- (iii) The decedent's conveyance included himself as a grantee and the conveyance was with right of survivorship;
- (iv) The decedent conveyed the property for nominal consideration within one year of the date of his death. For conveyances after July 1, 1980, the joinder of a spouse is required if a search of the records of the county in which the property is located discloses a divorce action pending at the time of the conveyance or where the attorney issuing title insurance or a certificate of title has actual knowledge of the pendency of a divorce action.

9. To consider as adequate the description of the premises or property in a mortgage or deed by a short description such as street address or number of acres in a municipality or subdivision thereof, frontage along a road in a suburban area, or lot number in a development, provided the instrument contains a statement incorporating the full description into the deed or mortgage by reference to some recorded instrument which contains the full description.
10. To consider that no attorney's certificate of title shall, in the absence of anything stated therein to the contrary, bind the attorney to any responsibility for the following items, unless a currently completed survey of the premises has been brought to the attention of the attorney and mention made of the same in the opinion of title, namely: the location and/or correctness of the boundary lines recited in the most recent deed, the quantity of land involved, the location or existence of improvements on the land, and whether or not the improvements are located within the boundaries of the land under search and encroachments of improvements from adjoining owners on the land under search.
11. An attorney's certificate of title, unless otherwise expressly stated therein, does not bind the attorney to any responsibility for assuring or determining whether there has been any violation of covenants, conditions or restrictions that are identified in the certificate of title, nor whether any future violation of such restrictions will cause a forfeiture or reversion of title.
12. An attorney's certificate of title relating to land in Lycoming County, unless otherwise expressly stated therein, is based solely upon an examination of the proper records in the Lycoming County Courthouse and no attorney shall have any responsibility for any title defect which is not disclosed

by an examination of said records, except for those items about which the attorney has personal knowledge.

13. An attorney's certificate of title is furnished without an accompanying abstract of title. A copy of the abstract of title may be furnished the client upon request and upon payment of an additional fee sufficient to cover the cost of making such copy.
14. In identification of the wards on deeds, mortgages and other instruments, it is suggested that the attorneys use the assessment wards as set forth by the county assessment bureau and not the voting wards. On deeds, it is further suggested that attorneys identify the tax parcel number of the property conveyed, using language such as the following, with the selection of the appropriate bracketed word: "For identification purposes only, being [all] [part] of tax parcel no. \_\_\_\_\_ in the records of the Lycoming County Tax Assessment Bureau."
15. An attorney providing title insurance or a certificate of title for a lending institution shall not have any obligation to assure compliance with state or federal regulations for lending procedures or disclosure procedures absent a written agreement with the lending institution.
16. To accept as conclusive evidence the validity of a sheriff's sale or other judicial sale if the deed confirming the sale was recorded at least six years prior to the date of certification or insurance of title, unless the record reflects that notice was not given to a party in interest as required by the then-applicable Rules of Civil Procedure.
17. To conclude that notice was properly given in any tax sale if the deed in connection with said tax sale was recorded at least 21 years prior to the date of certification or insurance of title.