

ARMSTRONG COUNTY LOCAL RULES

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PART I
LOCAL RULES OF CIVIL PROCEDURE
(cited as L.R.C.P. No. ____)

RULES OF CONSTRUCTION

Rule 51 Title of Rules. Purpose

These Local Rules of Civil Procedure are intended to implement the Pennsylvania Rules of Civil Procedure to which their numbers correspond. They shall be cited as "L.R.C.P. No. ____."

Rule 76 Definitions

Unless the context clearly indicates otherwise, the words and phrases used herein shall bear the same meaning as they bear in the Pennsylvania Rules of Civil Procedure.

Rule 101 Principles of Interpretation

In the construction of any of these rules, the principles of interpretation set forth in the Pennsylvania Rules of Civil Procedure shall be used.

BUSINESS OF COURTS

Rule 205.2(a) Pleadings and Other Legal Papers. Format.

All pleadings and other legal papers shall be 8½" x 11" in size and be side bound.

Adopted April 25, 2005, effective August 10, 2005.

Rule 205.2(b) Cover Sheet

Every petition and motion requiring an evidentiary hearing shall have attached thereto a cover sheet as a front page. The cover sheet shall be substantially in the following form:

[CAPTION]

**COVER SHEET
FOR PETITION REQUIRING EVIDENTIARY HEARING**

-1-

Has any judge heard this matter previously?

_____ Yes _____ No

-2-

If yes, which judge has heard it? _____

-3-

How much time will be reasonably necessary to conduct the hearing?

_____ minutes _____ hours _____ days

I hereby certify all of the above statements are true and correct to the best of my knowledge.

Attorney for Petitioner

Adopted April 25, 2005, effective August 10, 2005.

Rule 205.3 Pleadings and Other Legal Papers. Name of Attorney to be Typewritten or Printed

Every legal paper signed by an attorney shall have the name of the attorney typewritten or printed immediately beneath the place of signature.

Rule 205.4 Rescinded June 4, 2013, effective June 20, 2013

Rule 206.1(a) Petition. Definition. Content. Form

(1) "Petition," as used in this chapter, shall mean:

- (i) an application to open a default judgment or a judgment of non pros;
- (ii) a request for special relief, unless the request seeks an expedited hearing date, a stay, or interim pre-hearing relief;
- (iii) a petition for civil contempt, except in a support or custody action;
- (iv) a motion for delay damages; and
- (v) a petition for relief from a judgment by confession.

(2) A petition shall specify the relief sought and state the material facts, which constitute the grounds therefor.

(3) A petition shall be divided into paragraphs numbered consecutively. Each paragraph shall contain as far as practicable only one material allegation.

Comment

When a request for special relief is filed and an expedited hearing date, a stay, or interim pre-hearing relief is sought, the request is to be treated as a motion, not a petition. The procedure regarding

civil contempt adjudications in support and custody actions is governed by separate state rules of civil procedure.
Adopted April 25, 2005, effective August 8, 2005.

Rule 206.2 Answer to Petition

(a) An answer shall state the material facts which constitute the defense to the petition.

(b) An answer to a petition shall be divided into paragraphs, numbered consecutively, corresponding to the numbered paragraphs of the petition.

(c) No answer shall contain a separate section entitled or equivalent to new matter. If an answer does contain such a separate section, no reply thereto need be filed.

Rule 206.3 Verification

(a) A petition or an answer containing an allegation of fact which does not appear of record shall be verified.

(b) Rescinded on May 20, 2004, effective July 24, 2005.

Rule 206.4(c) Rule to Show Cause

(1) A petition seeking only the issuance of a rule to show cause shall be filed with the Prothonotary. Thereafter, the Prothonotary shall immediately transmit the petition to the Court Administrator. No advance notice of the filing need be given to any party.

(2) A rule to show cause shall be issued by the Court as of course upon petition, pursuant to Pa.R.C.P. No. 206.6. The rule shall direct that an answer be filed to the petition within twenty (20) days after service of the petition on the respondent. The Court may, in appropriate circumstances, direct that an answer be filed within a shorter period of time, or dispense with the necessity of filing an answer altogether.

(3) Every petition shall have attached to it a proposed order substantially in the form prescribed below, providing for an evidentiary hearing. The Court on its own motion or upon request of a party may require a case to be submitted on the basis of depositions and oral argument instead of an evidentiary hearing.

[CAPTION]

ORDER

AND NOW, this _____ day of _____, 2_____, upon consideration of the foregoing petition, it is hereby **ORDERED** that

1) a rule is issued upon the respondent to show cause why the petitioner is not entitled to the relief requested;

2) the respondent shall file an answer to the petition within twenty (20) days of service upon respondent;

3) the petition shall be decided under Pa.R.C.P. No. 206.7;

4) an evidentiary hearing on disputed issues of material fact shall be held on _____ (day of week) _____, 2_____, at _____M. in Courtroom No. ____ of the Armstrong County Courthouse in Kittanning, Pennsylvania;

5) notice of the entry of this Order shall be provided to all parties by the Prothonotary.

BY THE COURT,

_____ J.

Comment

A request for a stay of execution pending disposition of a petition to open a default judgment falls within the definition of a "motion."

See L.R.C.P. No. 208.1.

Adopted April 25, 2005, effective August 10, 2005.

Rule 208.1 Motion. Definition.

As used in this chapter, "motion" shall have the meaning ascribed to it by Pa.R.C.P. No. 208.1. The term shall include the following:

(1) a request for special relief where an expedited hearing date, a stay, or interim pre-hearing relief is sought; and

(2) a motion for a stay of execution pending disposition of a petition to open a default judgment.

Adopted May 20, 2004, effective July 24, 2004

Rule 208.2 Rescinded on April 25, 2005, effective June 13, 2005

Rule 208.3(a) Motions Procedure. Motions Judge. Motions Court

(1) The designated Motions Judge shall sit every Tuesday and Friday at 8:30 A.M., except on holidays ("Motions Court").

(2) Motions, requests and applications intended for consideration by the Motions Judge shall be presented at Motions Court, and are not to be filed in the Office of the Prothonotary in advance of such presentation. The Prothonotary or a deputy shall be present at every session of Motions Court to receive such papers for filing.

(3) Except in an emergency situation, no motion, request or application shall be presented without compliance with the notice provisions of this rule. In an emergency situation, the nature of the emergency and the reasons why the required notice could not be given must be set forth in the motion, request or application then being filed.

(4) For all motions, requests and applications subject to the notice requirements of this rule, a copy of the same together with a notice of the date and time of the intended presentation shall be served upon the other parties at least two (2) business days in advance of the presentation. Service of the copy and the notice may be accomplished personally, by first class mail or by facsimile transmission. Service by mail shall be deemed to be accomplished on the date the mail was received.

(5) A copy of the notice of intended presentation shall be presented to the Motions Judge at the time of presentation of the motion, request or application. The copy shall have attached to it a certificate stating the date and manner of service.

(6) The notice of intended presentation shall be substantially in the form prescribed as follows:

[CAPTION]
**NOTICE OF INTENT TO PRESENT MOTION,
PETITION OR APPLICATION TO
MOTIONS JUDGE**

To: _____ (name of person)

TAKE NOTICE that the attached (Name of legal paper) will be duly presented to the Motions Judge in Motions Court on the second floor of the Armstrong County Courthouse, Kittanning, Pennsylvania on (day of week), _____, 2____, at _____M. The Motions Judge will be asked to sign an order granting the prayer for relief. You may appear and be heard at that time if you wish.

Date: _____

Attorney

(7) The certificate of service shall be substantially in the form prescribed as follows:

[CAPTION]
**CERTIFICATE OF SERVICE
(Civil Division Matter)**

I, the undersigned, hereby certify that I caused a copy of the attached Notice of Intent to Present Motion, Petition or Application to Motions Court Judge to be served upon

Name of Person

Method of Service

Date of Service

and that attached to said Notice was a true and correct copy of the legal paper referred to therein.

Date: _____

Attorney

(8) Every motion, request, and application presented to the Motions Judge shall have attached thereto a suggested order granting the relief requested.

(9) After presentation of a motion, request, or application, the Motions Judge may enter any order permitted under Pa.R.C.P. No. 208.4

Comment

Motions Court is not intended as the forum for the presentation of petitions as defined by L.R.C.P. No. 206.1(a). A motion to continue is properly presentable in Motions Court pursuant to L.R.C.P. No. 216, as is a petition to compromise, settle or discontinue an action brought by a minor pursuant to L.R.C.P. No. 2039.

Adopted April 25, 2005, effective August 10, 2005

Rule 210 Briefs

Issues which are raised by pleadings, petitions, motions, applications, or otherwise and which are not addressed in a brief by the person raising such issues, shall be deemed to have been waived when submission of the brief has been ordered by the Court.

Rule 212.1 Case Ready for Pre-Trial Conference

(a) A case involving a civil action or an action in equity, including an appeal from compulsory arbitration and any matter triable by a judge sitting without a jury, may be placed upon the Pre-Trial Conference List upon praecipe of any party directed to the Prothonotary. A case involving an orphans' court matter shall likewise be placed on the Pre-Trial Conference List by the Prothonotary upon delivery to the Prothonotary by the Clerk of the Orphans' Court Division of a copy of any praecipe filed with the Clerk to cause the matter to be scheduled for a pre-trial conference.

(b) The Prothonotary, at least monthly, shall provide the Court Administrator with a list of all cases placed upon the Pre-Trial Conference List.

(c) The Court Administrator shall cause each case on the Pre-Trial Conference List to be scheduled for a pre-trial conference before one of the judges of the Court. The

Prothonotary shall serve a copy of the scheduling order upon all attorneys of record and upon all parties for whom no appearance has been entered, at least twenty (20) days before the scheduled date.

(d) Discovery shall be substantially completed prior to the filing of the praecipe placing the case on the Pre-Trial Conference List.

(e) The Court, upon petition presented in Motions Court, upon good cause shown, may continue the date of a pre-trial conference or remove a case from the Pre-trial Conference List.

(f) A pre-trial conference subsequent to the first such conference may be scheduled by the Court on its own motion. A party may move that a subsequent pre-trial conference be scheduled by motion presented in Motions Court.

Rule 212.2 Pre-Trial Statements

(a) All parties shall file a pre-trial statement at least three (3) days prior to the initial pre-trial conference.

(b) A party may file an amended pre-trial statement as of course at any time prior to the issuance of the Trial List. After the Trial List has been issued, an amended pre-trial statement may be filed only with prior leave of court. Such leave shall be granted only for good cause and when no party will be substantially prejudiced as a result of the granting of such leave. The court may impose such conditions as it deems to be appropriate in connection with the granting of such leave, including the imposition of costs upon the moving party.

Rule 212.3 Pre-Trial Conference

(a) Unless excused by the Court, all parties must be present in the Armstrong County Courthouse during the pre-trial conference. When a party is an entity such as a corporation or partnership, an officer, principal or employee of such entity shall be present, who must have authority to settle. When the real party in interest is an insurer, the presence or immediate availability by telephone of a representative of the insurer who has authority to settle will be sufficient.

(b) Attorneys present at the pre-trial conference must have complete authority to enter into stipulations concerning liability, evidentiary, and other trial related issues.

(c) If discovery has not been completed before the pre-trial conference is conducted, the Court at the conference may, on motion of any party or on its own motion, set a date by which all discovery must be completed.

(d) The Court may proceed with a pre-trial conference when not all parties are present or represented, if it appears that notice of the conference was given under these rules.

(e) At the pre-trial conference, when it appears that the case is or will soon be ready for trial, the Court may set a date certain for the trial or may cause the case to be placed on the Ready for Trial List.

(f) The Court may impose appropriate sanctions upon a party for failure to abide by any rule pertaining to pre-trial statements or pre-trial conferences.

Rule 214 Preferences on Trial Lists

(a) Preference shall be given in the preparation of Trial Lists as required by Pa.R.C.P. No. 214.

(b) A judge's Trial List in any month shall ordinarily be comprised of the two most senior cases on the judge's Trial Ready List, unless the preference requirements of Pa.R.C.P. No. 214 are applicable. Although the Court may treat a case on the Trial List as a "stand-by," parties must be prepared to proceed on the date for trial stated in the Trial List notice.

Rule 216 Continuances. Applications

(a) Pa.R.C.P. No. 216 shall apply to continuances of both jury and non-jury trials.

(b) Continuances of proceedings other than trials will be granted only for good cause shown. The Court shall be guided by the factors set forth in Pa.R.C.P. No. 216 in determining whether such continuances should be granted.

(c) A party seeking a continuance of any proceeding, including a trial, shall present to the Court an application for continuance substantially in the form prescribed by Appendix C of these Local Rules. When all attorneys of record and unrepresented parties do not agree that a continuance should be granted, such application shall be presented at Motions Court.

(d) The Court will not consider granting a continuance a second time upon agreement of the attorneys unless there is a statement attached to the application signed by all parties to the action that they are aware of the filing of the application and that they consent to the continuance.

Rule 227.1 Motion for Post-Trial Relief. Scheduling Order

A motion for post-trial relief shall be accompanied by a proposed order for the purpose of scheduling an argument thereon, substantially in the form prescribed by Appendix C-1 of these Local Rules.

Adopted October 28, 2003, effective December 15, 2003.

Rule 236 Notice by Prothonotary of Entry of Order, Decree or Judgment

(a) The phrase "order, decree, or judgment," as used in Pa.R.C.P. No. 236 (a)(2), includes any rule to show cause, adjudication, opinion, and memorandum issued by the court.

(b) Service by the Prothonotary of a copy of the document itself shall be sufficient notice of its entry if the front page of the copy bears the date and time of its entry.

(c) The Prothonotary may serve the required notice upon an unrepresented party by ordinary mail, addressed to the party at the address most recently appearing in a pleading filed by him, or, if there is no such pleading, then to the most recent address appearing in any pleading.

Rule 248 Modification of Time

The time prescribed by any of these rules for the doing of any act may be extended or shortened by written agreement of the parties or by order of Court.

Rule 249 Rescinded on May 20, 2004, effective July 24, 2004.

Rule 250 Scope of Business of Courts Chapter

These rules pertaining to Business of Courts shall apply to all civil actions and proceedings at law and in equity.

SERVICE OF ORIGINAL PROCESS AND OTHER LEGAL PAPERS

Rule 430 Service of Original Process by Publication

The Armstrong County Legal Journal, the address of which is Law Library, Armstrong County Courthouse, Kittanning, PA 16201, shall be the legal publication for advertisement of notices constituting original process.

**Rule 440 Service of Legal Papers Other than Original
Process. Proof of Service**

After a legal paper other than original process has been served pursuant to Pa.R.C.P. No. 440, a proof of service shall be filed with the Prothonotary, indicating the person who has been served, the manner of service and the date of service.

ACTIONS AT LAW

Rule 1018.1 Notice to Defend

(a) Every notice to defend shall designate the "Prothonotary of Armstrong County, Armstrong County Courthouse, Suite 103, Kittanning, PA 16201 (telephone: 724-543-2500)" as the person from whom legal help can be obtained.

(b) The Prothonotary, upon receiving an oral or written inquiry as the result of a person being served with a pleading containing a notice to defend, shall, in lieu of advising such person, immediately forward to the person the names, addresses and telephone numbers of all resident members of the Armstrong County Bar Association and of Laurel Legal Services, Inc.

Rule 1028(c) Preliminary Objections. Brief. Scheduling Order

At the time of filing, all preliminary objections shall be accompanied by a separate brief in support thereof, addressing issues raised in the objections. The preliminary objections must also be accompanied by a proposed order for the purpose of scheduling a hearing or argument thereon, substantially in the form prescribed as follows:

[CAPTION]

ORDER

AND NOW, this _____ day of _____, 2____, upon consideration of the (the nature of the preliminary objection and the name of the objector), it is **ORDERED** as follows:

1. An evidentiary hearing to be followed by oral argument will be held upon the Preliminary Objections on (day of week), _____, 2____, at _____ .M. in Courtroom No. _____ of the Armstrong County Courthouse in Kittanning, Pennsylvania. (Strike if no evidentiary hearing is necessary.)

OR

1. Oral argument upon the Preliminary Objections will be held on (day of week), _____, 2____, at _____ .M. in Courtroom No. _____ of the Armstrong County Courthouse in Kittanning, Pennsylvania. (Strike if evidentiary hearing is necessary.)

ORDER

AND NOW, this _____ day of _____, 2____, upon consideration of the _____ (the nature of the motion) _____, it is hereby **ORDERED** as follows:

1. Oral argument upon the Motion will be held on _____ (day of week) _____, 2____, at _____M. in Courtroom No. _____, of the Armstrong County Courthouse, Kittanning, Pennsylvania.
2. _____ (Name of party defending against motion) shall file both a response pursuant to Pa.R.C.P. No. 1035.3 and a separate brief concerning the issues raised in the Motion on or before _____, 2____.
3. Notice of the entry of this order shall be served upon all parties by the Prothonotary.

BY THE COURT,

J.

Adopted April 25, 2005, effective August 10, 2005

Rule 1061.1 Adverse Party Compelled to Commence Action in Ejectment

When an adverse party in a quiet title action is compelled to commence an action in ejectment, such an action shall be commenced by the filing of a complaint at a new case number. The new action shall be governed by the rules pertaining to an action in ejectment.

Adopted November 21, 2014, effective January 11, 2015.

COMPULSORY ARBITRATION

Rule 1301 Scope. Arbitration Limits

(a) All cases, except those involving title to real estate, shall be referred for hearing before and decision by a Board of Arbitrators, when the amount in controversy, exclusive of interest and costs, is \$50,000 or less. When the amount in controversy exceeds said limit, it shall be referred to the Board upon agreement of all parties.

Adopted October 3, 2006, effective November 20, 2006

Rule 1302 List of Arbitrators. Appointment to Board

(a) A Board of Arbitration shall be composed of three members of the Bar of Armstrong County, at least one of whom shall have been admitted to the practice of law for at least five (5) years. Upon praecipe, the Prothonotary shall appoint the arbitrators from a list of lawyers who are qualified to act, and they shall be chosen in alphabetical order. No more than one lawyer from a single law firm shall be appointed to the same Board. The first arbitrator so appointed who has been admitted to the practice of law for at least five (5) years shall serve

as chairperson. If an appointed member becomes unable to serve, the chairperson shall ask the Prothonotary to appoint a replacement, whereupon the Prothonotary shall do so.

(b) The compensation of arbitrators shall be set by orders of the president judge from time to time entered.

(c) A fee of \$20.00 shall be paid to the Prothonotary at the time of the filing of a praecipe directing appointment of a Board of Arbitration. The Prothonotary shall subsequently pay the sum of \$20.00 to the duly appointed chairperson immediately after the appointment. Upon any appeal of the decision of the Board of Arbitration, the appellant shall be credited for such payment toward the costs payable as a result of the appeal.

Adopted October 3, 2006, effective November 20, 2006

Rule 1303 Hearing. Notice

(a) All hearings before a Board of Arbitration shall be conducted in the Armstrong County Courthouse.

(b) The chairperson of the Board of Arbitration shall be responsible for the scheduling of hearings and the mailing of notice of such hearings. The chairperson shall grant a continuance if all parties to the action agree.

(c) Not less than thirty (30) days notice in writing shall be given by the chairperson to the parties or their attorneys of record and to other members of the Board.

Adopted October 3, 2006, effective November 20, 2006

ACTIONS IN EQUITY

Rule 1524 Rescinded on May 20, 2004, effective July 24, 2004.

Rule 1527 Rescinded on May 20, 2004, effective July 24, 2004.

PARTITION OF REAL PROPERTY

Rule 1557 Order Directing Partition

(a) A party seeking an order directing partition because of a default shall proceed under Pa.R.C.P. No. 1511(a), and shall file a motion with the Court alleging with specificity the facts constituting the default, including pertinent dates. No advance notice of the filing of such a motion need be given.

(b) The motion shall have attached thereto a copy of the notice of intention to enter a default judgment served upon the defaulting party pursuant to Pa.R.C.P. No. 237.1; provided, however, that this requirement shall not apply where a party has been served by publication.

Comment

Pa.R.C.P. No. 237.1, pertaining to notice of praecipe for entry of judgment by default for failure to plead, applies to default judgment entered pursuant to Pa.R.C.P. No. 1511(a). See the definition of "judgment by default" set forth in Pa.R.C.P. No. 237.1.

Rule 1559 Master Hearing

(a) Where the parties have counsel of record, notice shall be given in writing to such counsel. The notice shall be given not less than twenty (20) days prior to making an examination or holding a hearing.

(b) Parties not represented by counsel of record shall be notified both by registered or certified mail and by first class mail not less than twenty (20) days prior to the date of making an examination or holding a hearing. If the notice by first class mail is not returned as undelivered, service shall be deemed to have been made. If all such notice to a party is returned undelivered, notice shall be given to that party by publication as set forth in (c) below.

(c) Notice to parties who cannot be notified pursuant to subsections (a) or (b) of this Rule shall be notified by publication in a newspaper of general circulation in Armstrong County one time and in the Armstrong County Legal Journal one time. Publication shall not be less than twenty (20) days before the date set for hearing or examination.

(d) The Master shall in his report set forth the notice given.

Rule 1566 Preliminary Determination. Notice to Accept or Reject

(a) Preliminary notice of a proposed partition and allotment or purports under Pa.R.C.P. No. 1560(b) or (c) or the inability to partition the property as provided under Pa.R.C.P. No. 1563 shall be given in the same manner as prescribed by L.R.C.P. No. 1559.

(b) The notice shall provide that the parties shall have twenty (20) days after service to accept or reject the proposed plan of allocation or to object to a private sale confined to the parties. Said notice shall also include all other applicable information specified in Pa.R.C.P. No. 1566.

(c) Notice of private sale confined to the parties as required in Pa.R.C.P. No. 1566(c) shall be given in the same manner prescribed by L.R.C.P. No. 1559, and may be combined with notice of proposed partition as set forth in subsections (a) and (b) of this Rule.

Rule 1567 Private Sale Confined to the Parties. Bond

The Master, before accepting payment for property sold at a sale confined to the parties, shall file a bond in the amount of the payment, unless all parties waive such requirement in writing and the waiver is approved by order of Court. The Master may move the Court for such an order.

Rule 1569 Master's Report. Exceptions

The Master shall give all persons in interest written notice of the date on which he intends to file his report and proposed decree in the same manner prescribed by L.R.C.P. No. 1559.

Rule 1572 Sale Not Confined to the Parties. Notice. Manner. Bond

(a) Unless otherwise directed by special order of Court, a private sale not confined to the parties shall be held on the premises to be sold and shall be by open bidding. Not less than ten percent (10%) of the purchase price shall be paid at the time of sale, the balance to be paid upon delivery of the deed.

(b) Unless otherwise directed by special order of Court, notice of a public sale shall be given by the Master by publication of a notice once a week for three (3) consecutive weeks in a newspaper of general circulation in each county in which the property is located and in the Armstrong County Legal Journal. The last publication shall be no less than ten (10) days before the date of sale. Notice shall also be given by a handbill conspicuously posted on the property at least ten (10) days before the date of sale. The notice shall state the down payment required at time of sale and identify who will pay the transfer taxes and real estate taxes.

(c) The Master, before accepting payment for property sold at a sale not confined to the parties or at a public sale, shall file a bond in the amount of payment, unless all parties waive such requirement in writing and the waiver is approved by order of Court. The Master may move the Court for such an order.

**Rule 1573 Return of Sale and Schedule of Distribution.
Notice**

(a) Notice of the return of sale and proposed schedule of distribution shall be given by the Master in the same manner prescribed by L.R.C.P. No. 1559.

(b) The notice shall include a statement that if the return is approved, a decree nisi will be entered, which decree will become final if no exceptions thereto are filed within ten (10) days of the date it is entered.

Rule 1574 Costs and Counsel Fees

Each attorney shall furnish to the Master a request for a specific amount of counsel fees, together with a recommendation of whether the fees should be charged against the property or the fund resulting therefrom, and shall suggest the apportionment of the same among the parties. The Master shall attach these requests, recommendations and suggestions to his return of sale for consideration by the Court.

ACTIONS PURSUANT TO PROTECTION FROM ABUSE ACT

Rule 1901.3 Commencement of Action. Procedure. Temporary Order

(a) The procedure in an action under the Protection from Abuse Act shall be governed by the requirements of the Pennsylvania Rules of Civil Procedure pertaining to such actions.

(b) The Court, in its discretion, may grant a temporary ex parte order solely on the basis of the facts averred in the petition.

(c) A temporary ex parte order providing for an eviction at the commencement of the action will only be issued after a hearing. A request for such a hearing, either oral or in writing, may be made at Motions Court, and the Court will attempt to conduct such a hearing immediately after all other motions, petitions and applications have been acted upon. Notice of such a request need not be given.

Rule 1901.5 Service of Indirect Criminal Contempt Complaint

(a) A defendant in a Protection from Abuse proceeding who has been arrested for an alleged violation of an order shall be served with a certified copy of the Indirect Criminal Contempt Complaint by the Court or the Magisterial District Judge at the preliminary arraignment. If a Magisterial District Judge conducts the preliminary arraignment, the original copy of the complaint shall forthwith be forwarded to the Clerk of Courts.

(b) If an arrest of the defendant has not been effected, the Court Administrator shall serve a certified copy of the Indirect Criminal Contempt Complaint upon the defendant by first class mail simultaneously with service of the notice of non-jury trial.

Adopted November 21, 2011, effective January 9, 2012

ACTIONS FOR SUPPORT

Rule 1910.10 Alternative Hearing Procedures

(a) A support action shall proceed as prescribed by Pa.R.C.P. No. 1910.12.

(b) All claims for alimony pendente lite shall be decided under the procedures set forth in Pa.R.C.P. No. 1910.12. If at the time a complaint for alimony pendente lite is filed in the Domestic Relations Section, there is a matter involving the same parties then pending before a hearing officer of the Domestic Relations Section, the claim shall be referred directly to the hearing officer for adjudication.

Comment

Pa.R.C.P. No. 1920.31 and L.R.C.P. 1920.31 govern the procedure for adjudicating a claim for support or alimony pendente lite asserted in a divorce proceeding.

Rule 1910.12 Office Conference. Hearing. Continuances. Appearances by Attorneys. Exceptions to Hearing Officer's Report. Transcript

(a) An office conference scheduled as a result of the filing of a complaint shall be continued by the conference officer one time upon written request of a party. Each party shall be entitled to one such continuance. Thereafter, an additional continuance shall be allowed by the conference officer only if the parties agree thereto in writing or if an order of Court is obtained directing the same.

(b) The continuance of an office conference scheduled as a result of the filing of a petition to modify shall be allowed by the conference officer only if the parties agree thereto in writing or if an order of Court is obtained directing the same.

(b.1) Notwithstanding the provisions of subsections (a) and (b) of this Rule, if litigation on a current complaint or current petition to modify, including exceptions or appeals thereon, is still pending at the time a new petition to modify is filed, the office conference will not be scheduled until after the current litigation has been disposed of, unless otherwise directed by special order of Court.

(c) The continuance of a hearing to be conducted by a hearing officer may be allowed at the hearing officer's discretion.

(c.1) Notwithstanding the provisions of subsections (a), (b), (b.1), or (c) of this Rule, a general continuance or its equivalent may only be obtained by order of court. The Court, in its order granting a general continuance or its equivalent, may provide for the automatic dismissal of the cause then before it if no further action is requested or directed by a party within 180 days of the Order of Court granting the continuance.

(d) An application for a court order directing a continuance of either an office conference or a hearing shall be presented in Motions Court.

(d.1) The failure of a party to appear at a hearing after receiving notice thereof may be deemed by the hearing officer as the withdrawal of that party's complaint for support, petition to modify, or demand for hearing, as the case may be.

(e) An attorney who represents a party in any action for support shall file a written appearance. Except as otherwise provided in Pa.R.C.P. No. 1910.6, the withdrawal of an appearance shall be governed by Pa.R.C.P. No. 1012(b).

(f) A party who files exceptions to a hearing officer's report shall order, pay for, and file with the Prothonotary, a transcript of the hearing. The hearing officer shall contact the exceptant's lawyer, or if there is none, the exceptant, by mail regarding the amount and method of payment. A down payment of \$100.00 or one-half of the estimated cost of the transcript is hereby deemed to be reasonable. The Court will enforce payment of a delinquent balance for a transcript with its contempt papers. If a transcript is not filed with the Prothonotary before argument on the exceptions, the exceptions may be dismissed for that reason.

Adopted August 13, 2010, effective November 1, 2010

**Rule 1910.21 Temporary Suspension of Order for Income
Withholding**

A party who seeks to suspend temporarily an order for income withholding shall present a motion in Motions Court.

Comment

23 Pa.C.S.A. Section 4348(h) states the circumstances under which an order for income withholding may be terminated.

Rule 1910.25 Support. Contempt Petition. Form of Order.

(a) Every order accompanying a petition for contempt and scheduling a hearing upon the Petition shall designate the "Prothonotary of Armstrong County, Armstrong County Courthouse, Room 103, Kittanning, PA 16201 (telephone: 724-543-2500)" as the person from whom legal help can be obtained.

(b) The Prothonotary, upon receiving an oral or written inquiry as the result of a person being served with a pleading containing a notice to defend, shall, in lieu of advising such person, immediately forward to the person the names, addresses and telephone numbers of all resident members of the Armstrong County Bar Association and of Laurel Legal Services, Inc.

Adopted October 28, 2003, effective December 15, 2003

**ACTIONS FOR CUSTODY, PARTIAL CUSTODY AND
VISITATION OF MINOR CHILDREN**

Rule 1915.4-3.1 Rescinded on May 1, 2019, effective June 24, 2019

Rule 1915.4-3.2 Rescinded on May 1, 2019, effective June 24, 2019

Rule 1915.11 Rescinded on May 1, 2019, effective June 24, 2019

**Rule 1915.3 Commencement of Action; Custody Conciliation
Conference Fee**

(a) Every party who initiates a custody action by the filing of a custody complaint, custody count in a divorce action, or petition for modification of custody, shall, in addition to the filing fee assessed by the Prothonotary, pay to the Prothonotary a custody conciliation conference fee in an amount to be set from time to time by administrative order of court.

Adopted May 1, 2019, effective June 24, 2019

Rule 1915.4-3 Custody Conciliation Conference

(a) All adult parties named in an action for custody, whether initiated by complaint, custody count in a divorce action, or petition for modification of custody, shall attend a custody conciliation conference scheduled by the Court Administrator. A Conciliation Conference Officer ("CCO") shall preside at the conciliation conference. Children who are the subject of the custody action shall not participate in the conciliation conference.

(b) Failure of a party to appear at the conciliation conference may result in the entry of a custody or partial custody order by the Court on the recommendation of the CCO in the absence of that party. Unless otherwise excused by the Court, the failure of the filing party to attend the conciliation conference shall result in the dismissal of the action.

(c) To encourage frank, open and meaningful exchanges between the parties and their respective counsel, statements made by the parties or their attorneys at the conference shall not be admissible as evidence at a later custody hearing. The CCO shall not be a witness for or against any party.

(d) At the conciliation conference, the parties shall, under the supervision of the CCO, attempt to reach a final, comprehensive custody agreement that will then be converted to a final custody consent order to be entered by the Court.

(e) If the parties are unable to reach a comprehensive, final custody agreement, they shall attempt to reach a temporary custody agreement, which may then be entered as a temporary consent order by the Court. Temporary orders may include provisions for temporary legal or physical custody, drug and alcohol evaluations or treatment, counseling, psychological evaluations, home study evaluations, visit coaching, supervised custody, and other matters pertaining to the best interests of the subject child(ren).

(f) The CCO shall have the ability to request that any party submit to a urine drug analysis at the conciliation conference, which shall be performed with that party's consent. If a party requests that another party submit to a drug analysis, the drug analysis shall be performed at the discretion of the CCO and with the consent of that party.

(g) In all cases where a final, comprehensive custody consent agreement is not reached, the CCO shall provide a written report to the Court within five days of the conference, which may contain the following:

- (1) recommendations with regard to the necessity of psychological evaluations, home study evaluations, drug and alcohol evaluations and/or treatment, co-parenting or reunification counseling, supervised custody, visit coaching, and/or the appointment of a guardian ad litem;
- (2) the CCO's review of jurisdiction, venue, standing and relocation issues;
- (3) progress, if any, on issues before the CCO, as well as any recommendations for temporary custody/partial custody orders, including the need for an expedited hearing in emergency and relocation cases;
- (4) the scheduling of a pre-trial conference.

Adopted July 16, 2019, effective September 3, 2019

(h) Conciliation conferences shall not be continued except by written request or motion filed with the Prothonotary at least two (2) business days prior to the date scheduled. Said written request or motion must indicate whether notice of the request was made on all other parties.

(i) If the parties reach a final settlement agreement, or the case is withdrawn, prior to the conciliation conference, the filing party may request a refund of the conciliation conference fee by filing a written motion with the Prothonotary requesting the same.

Adopted May 1, 2019, effective June 24, 2019

Rule 1915.4-4 Pre-trial Conference

(a) If at the conciliation conference the parties cannot agree upon a resolution of all the issues and a trial before a judge becomes necessary, the Court Administrator shall cause a pretrial conference to be scheduled to occur within ninety (90) days after the date the conciliation conference was held.

(b) The Court will schedule a trial date at the pretrial conference and a date for an additional pretrial conference when appropriate. The parties must attend each pre-trial conference.

Adopted May 1, 2019, effective June 24, 2019

Rule 1915.7 Consent Order. Final and Temporary

(a) If at any time during the course of a custody proceeding the parties agree upon a resolution of all the issues and are then available to consent in writing to an order reflecting the same, they shall so notify the Court. The Court will make its staff available to the parties and their lawyers for the immediate preparation of a final consent order.

(b) If after a conciliation conference the parties cannot agree upon a resolution of all the issues, counsel and the parties shall, within seven (7) days after such conference, submit to the Court a proposed temporary order providing for the occurrence of those things agreed upon at the conciliation conference. If the Court has not entered an order immediately after the conciliation conference directing such attendance at a mediation orientation session, the proposed temporary order shall contain a provision requiring the parties together to attend an orientation session before a mediator as required by L.R.C.P. No. 1940.3(a). The proposed temporary order may provide for the deferral of evaluations and home studies until after such time as mediation is rejected or terminated. The proposed temporary order shall not contain a provision for the scheduling of a hearing before the Court. The completed Conciliation Conference Checklist shall be attached to the proposed temporary order.

Adopted June 4, 2013, effective July 22, 2013

Rule 1915.14 Disobedience of Order Directing Custody Evaluation

If a party fails to submit to a child custody evaluation; fails to cause a household member to submit a child custody evaluation; or fails to pay his or her share of the costs thereof, the Court may dismiss the complaint or impose other appropriate sanctions.

Adopted June 4, 2013, effective July 22, 2013

ACTION OF DIVORCE OR ANNULMENT OF MARRIAGE

Rule 1920.31 Claims for Support or Alimony Pendente Lite

(a) When a claim for support or alimony pendente lite is filed as a count in a divorce complaint rather than as a separate action in the Domestic Relations Section, the demand for hearing thereon shall be filed with the Domestic Relations Section, together with a copy of the divorce pleading which contains that count.

(b) Upon receipt of a demand for hearing filed pursuant to subsection (a), above, the Domestic Relations Section shall require the demanding party to complete and file a complaint in form prescribed by the Domestic Relations Section. The Domestic Relations Section shall not require a filing fee in connection therewith; nor shall it impose the filing fee as a cost upon any party.

(c) If at the time the demand for hearing is filed pursuant to subsection (a), above, a matter involving the same parties is then pending before a hearing officer of the Domestic Relations Section, the claim for support or alimony pendente lite shall be referred directly to the hearing officer for adjudication.

**Rule 1920.51 Hearing by Court. Appointment of Master.
 Preliminary Conference. Security for Payment of
 Master's Fees and Costs. Allocation**

(a) In all divorce or annulment actions where there are unresolved issues properly referable to a master under applicable statutes or rules of court, a party may move for the appointment of a master. The form of the motion shall be as prescribed by Pa.R.C.P. No. 1920.51(a)(3). The moving party shall pay a sum of money to the Prothonotary at the time the motion is filed, which sum shall be determined from time to time by order of Court, as security for payment of master's fees and costs.

(b) The master shall schedule a preliminary conference immediately after the order of appointment has been entered. The preliminary conference shall occur within sixty (60) days of the date of appointment, and it shall be attended by the parties and their counsel. At the preliminary conference, those present shall explore the possibility of resolving the issues in dispute without further litigation. At least three (3) days in advance of the preliminary conference, the parties shall exchange memoranda expressing their perceptions of and position on the issues, providing the master with a copy of the same. If a party fails to appear either personally or through counsel at a preliminary conference, the costs of the conference shall be assessed against such party in any ultimate equitable distribution award recommended by the master.

(c) After payment to the Prothonotary of an additional sum of money as security for payment of the master's fees and costs, the master shall schedule an evidentiary hearing to receive evidence on all issues which were not resolved at the preliminary conference. The master shall schedule the evidentiary hearing only after a party has presented satisfactory proof to him that the additional security for costs have been paid. The amount of the additional security shall be determined from time to time by order of Court.

(d) The Court may, upon motion of the master presented at Motions Court, require a party to enter security for the master's fees and costs in addition to that required under subsections (a) and (c) of this rule.

(e) The master's fees and costs shall be regarded as costs of the case, and the master may recommend and the Court may order an equitable allocation of the same as part of the final adjudication and order, even if the security already paid is sufficient to pay them in full.

(f) The provisions of this rule shall apply to instances where the Court appoints a master pursuant to its own motion.

(g) The master's fee and costs incurred as a result of the scheduling or conducting of a preliminary conference or a hearing shall be paid by the Prothonotary upon approval of the court.

Comment

See L.R.C.P No. 1920.31 for the procedure to be followed in claims for alimony pendente lite asserted in a divorce proceeding.
Adopted November 21, 2011, effective January 9, 2012

Rule 1920.55-2 Master's Report. Exceptions. Transcript

A party who files exceptions to a master's report pursuant to Pa.R.C.P. No. 1920.55-2(b) shall order and file a transcript of the hearing conducted by the master.

VOLUNTARY MEDIATION IN CUSTODY ACTIONS

Rule 1940.3 Rescinded

Amended April 27, 2012, effective June 18, 2012.

Rule 1940.4 Rescinded

Amended April 27, 2012, effective June 18, 2012.

Rule 1940.6 Rescinded

Amended April 27, 2012, effective June 18, 2012.

Rule 1940.7 Rescinded

Amended April 27, 2012, effective June 18, 2012

MINORS AS PARTIES

Rule 2039 Compromise. Settlement. Discontinuance. Distribution. Petition. Contents.

(a) Every petition for approval by the Court of a proposed compromise, settlement or discontinuance of an action for injury to the person of a minor shall contain a description of the injury, a brief account of the circumstances under which it was

sustained, a statement of the nature of the evidence relied on to establish liability, any limits on the defendant's financial responsibility, a list of the expenses incurred, the fees of counsel, and arrangements for payment of unpaid bills. The petition shall be accompanied by a written report of the attending physician stating the extent of the injury, the treatment given and the prognosis for the injured party.

(b) The Court will not entertain a petition under Pa.R.C.P. 2039 unless the minor's guardian has commenced an action in this Court by filing either a praecipe for writ of summons or a complaint, with subsequent service of the writ or the complaint.

(c) In each and every case, the Court will conduct a hearing on the petition. The petitioner shall file a proposed scheduling order for the hearing at the time the petition is filed. The subject child or children shall be present for the hearing.

(d) A certified copy of the petition and a certified copy of the scheduling order shall be served by the petitioner upon any non-petitioning parent at least ten days in advance of the hearing unless the written consent, joinder or statement of no objection of the non-petitioning parent to the proposed compromise, settlement, discontinuance and distribution is attached to the petition.

Comment

The jurisdictional power of the Court to try the action is a prerequisite to the Court's authority to approve its compromise, settlement or discontinuance; hence the requirement for service of original process. See Roche v. Scavicchio, 70 Pa.D&C 75 (Phila. 1950).
Amended March 31, 2016. Effective May 22, 2016

INCAPACITATED PERSONS AS PARTIES

**Rule 2064 Compromise. Settlement. Discontinuance.
 Distribution. Petition. Content**

Every petition for approval by the Court of a proposed compromise, settlement or discontinuance of an action for injury to the person of an incapacitated person shall contain a description of the injury, a brief account of the circumstances under which it was sustained, a statement of the nature of the evidence relied on to establish liability, any limits on the defendant's financial responsibility, a list of the expenses incurred, the fees of counsel and arrangements for payment of unpaid bills. The petition shall be accompanied by a written report of the attending physician stating the extent of the injury, the treatment given and the prognosis for the injured party.

Comment

The Petition will preferably be presented at a duly scheduled session of Motions Court.

ACTIONS FOR WRONGFUL DEATH

Rule 2205 Notice to Persons Entitled to Damages.

(a) The notice prescribed in Pa.R.C.P. No. 2205 shall be in substantially the form prescribed in Appendix J of these Local Rules. The plaintiff shall attach to the notice a copy of the complaint, if the action has been commenced by a complaint.

(b) When a person entitled to notice is not sui juris, such notice shall be addressed to his guardian if any, and if no guardian, to the person having legal custody or by whom such person is maintained.

(c) An affidavit of service of such notice shall be filed with the Prothonotary's Office and shall set forth the names and addresses of the persons to whom the notice was sent and the date of mailing such notice.

JOINDER OF PARTIES

Rule 2227 Compulsory Joinder

After a complaint has been filed, a plaintiff desiring to join an unwilling person having only a joint interest in the subject matter of the action, either as a defendant or as an involuntary plaintiff, shall proceed by petition and rule to show cause. The petition shall set forth the substantive law permitting such joinder.

Rule 2232 Defective Joinder

(a) The notice required by Pa.R.C.P. No. 2232(a) shall be served as directed by special order of Court, entered after petition. The notice shall be in such form as prescribed by the special order.

(b) A party who has been joined and who desires to be dropped from the action pursuant to Pa.R.C.P. No. 2232(b) shall proceed by petition and rule to show cause.

(c) A party who desires to join any additional person who could have joined or who could have been joined in the action pursuant to Pa.R.C.P. No. 2232(c), shall proceed by petition and rule to show cause.

INTERVENTION

Rule 2328 Petition to Intervene

A person who seeks leave to intervene shall proceed by petition and rule to show cause.

SUBSTITUTION OF PARTIES

Rule 2352 Substitution of Successor. Objections.

(a) The Prothonotary shall serve a copy of the statement filed under Pa.R.C.P. No. 2352(a) or a copy of the rule to show cause issued under Pa.R.C.P. No. 2352(b) upon all parties or their attorneys of record.

(b) A party who objects to a substitution under Pa.R.C.P. No. 2352(a) shall proceed by petition and rule to show cause.

ENFORCEMENT OF MONEY JUDGMENTS FOR THE PAYMENT OF MONEY

Rule 3110 Execution Against Contents of Safe Deposit Box. Service of Petition and Rule to Show Cause by Publication.

If service of the petition and rule to show cause is to be accomplished by publication, the publication shall occur one time in a newspaper of general circulation in the community in which the safe deposit box is located.

ENFORCEMENT OF JUDGMENTS IN SPECIAL ACTIONS

Rule 3252 Writ of Execution. Money Judgments. Notice.

The notice of the defendant in a writ of execution shall designate the "Prothonotary of Armstrong County, Armstrong County Courthouse, Room 103, Kittanning, PA 16201 telephone: (724) 543-2500 as the person from whom the defendant can obtain information on where to get legal help.

PART II
LOCAL RULES OF CRIMINAL PROCEDURE

(cited as L.R.Crim.P. ____)

SCOPE OF RULES, CONSTRUCTION AND DEFINITIONS

Rule 101 Construction

These rules shall be construed using the same rules of construction as are used in construing the Pennsylvania Rules of Criminal Procedure.

Rule 102 Citing the Local Rules of Criminal Procedure

These rules shall be cited as "L.R.Crim.P. ____."

BUSINESS OF THE COURTS

Rule 103 Definitions

Words and phrases defined by the Pennsylvania Rules of Criminal Procedure shall bear the same meaning when used in these rules, unless the context clearly indicates otherwise.

Rule 105 Local Rules. Noncompliance

No case shall be dismissed nor request for relief granted or denied because of failure to comply with one or more of these rules. In any case of noncompliance, the Court will alert the party to the specific provision at issue and will provide a reasonable time for subsequent compliance.

Rule 106 Continuances in Court Cases

(a) A motion seeking the continuance of any proceeding shall be substantially in the form prescribed by Appendix Y of these Rules.

(b) When appropriate, a motion seeking a continuance shall have attached thereto a waiver of Pa.R.Crim.P. 600 signed by the defendant.

(c) A proposed order substantially in the form prescribed by Appendix Z of these Rules shall be attached to the motion seeking the continuance.

Adopted January 7, 2008, effective February 26, 2008

Rule 114 Orders and Court Notices. Service

(a) Except as stated in subsection (b), below, the Clerk of Courts shall serve copies of all orders and court notices.

(b) The Court Administrator shall serve copies of all notices for criminal case status conferences, omnibus pretrial motion hearings, ARD court, plea court, trials and sentencings.

Adopted January 7, 2008, effective February 26, 2008

**Rule 117 Magisterial District Judges. Coverage. Admission
to Bail by Jail Warden or Designee**

(a) All Magisterial District Judge Offices shall be open for regular business from 8:00 A.M. to 4:30 P.M., prevailing time, Monday through Friday, except for County holidays.

(b) Magisterial District Judges shall be available twenty-four hours per day every day to provide continuous coverage for the services recited in Pa.R.Cr.P. 117(A) and for services required in any Protection from Abuse Act case. A Magisterial District Judge shall be deemed to have satisfied this directive by remaining on-call during non-regular business hours on a rotating basis pursuant to a schedule prepared by the Court. The schedule, and any amendments or alterations thereof, shall be distributed and publicized in accord with past practice.

(b.1) Notwithstanding any provision of subsection (b), above, to the contrary, the on-call magisterial district judge may preliminarily arraign, using advanced communication technology, any arrestee who has been transported to and lodged in the Armstrong County Jail (as permitted by 61 P.S. §798) in any ten-hour cycle commencing at 9:00 p.m. and ending at 7:00 a.m. prevailing time. Such on-call magisterial district judge shall make inquiry of jail personnel prior to 7:00 a.m. to determine if any preliminary arraignment need be conducted, and if so, shall forthwith conduct the same.

(c) On forms prescribed by the Court, a Magisterial District Judge may request additions or amendments to the schedule prepared by the Court in order to provide for vacations, emergencies, and the like.

(d) In addition to those persons who are authorized by statute or the Pennsylvania Rules of Criminal Procedure to admit an arrestee to bail, the Warden of the Armstrong County Jail, or

the designee of the Warden, shall have the authority to do the same in accordance with and subject to the limitations of the Pennsylvania Rules of Criminal Procedure.

Amended April 4, 2016, effective May 22, 2016

COUNSEL

Rule 121 Waiver of Counsel in Guilty Plea Proceeding

After an appropriate colloquy, the Court will require a defendant who wishes to waive counsel to sign a written waiver of counsel.

Rule 123 Application for Assignment of Counsel

All applications for assignment of counsel pursuant to Pa.R.Crim.P. 122 shall be submitted to the Armstrong County Public Defender's Office. The application shall be in form prescribed from time to time by the Office. The determination of whether a defendant is without financial resources and unable to employ counsel shall be made by the Public Defender. The Public Defender shall be responsible for preparation of written eligibility guidelines biennially. All such guidelines shall be approved by the Court prior to implementation.

INVESTIGATIONS

SEARCH WARRANTS

Rule 202 Approval of Search Warrant Applications by the Attorney for the Commonwealth.

The District Attorney of Armstrong County having filed a certification pursuant to Pa.R.Crim.P. 202, no search warrant shall be issued by any judicial officer unless the search warrant application has the approval of an attorney for the Commonwealth prior to filing.

Comment

The approval of the attorney for the Commonwealth may be oral in appropriate circumstances. Whenever feasible, such oral approval should be communicated directly to the judicial officer, who should make proper notations thereof.

**ACCELERATED REHABILITATIVE DISPOSITION (ARD)
COURT CASES**

Rule 310 Placing Case on ARD Court List.

Upon written request delivered directly to the Court Administrator and signed by the District Attorney, the Court Administrator shall place a case on the ARD Court List.
Adopted January 7, 2008, effective February 26, 2008

Rule 313 Repealed.

PRE-TRIAL PROCEDURES IN COURT CASES

COMPLAINT PROCEDURES

Rule 507 Approval of Police Complaints by Attorney for the Commonwealth

(a) The District Attorney of Armstrong County having filed a certification pursuant to Pa.R.Crim.P. 507, criminal complaints and arrest warrant affidavits by police officers, as defined in the Pennsylvania Rules of Criminal Procedure, charging any offense set forth in subsection (b), below, shall not hereafter be accepted by any judicial officer unless the complaint and affidavit has the approval of an attorney for the Commonwealth prior to filing.

(b) Subsection (a) of this rule shall apply when any of the following offenses is charged:

- (i) Criminal homicide, in violation of 18 Pa.C.S. §2501;
- (ii) Murder in any degree, in violation of 18 Pa.C.S. §2502;
- (iii) Voluntary manslaughter, in violation of 18 Pa.C.S. §2503;
- (iv) Involuntary manslaughter, in violation of 18 Pa.C.S. §2504;
- (v) Homicide by vehicle, in violation of 18 Pa.C.S. §3732;
- (vi) Homicide by vehicle while driving under the influence, in violation of 18 Pa.C.S. §3735;

- (vii) Aggravated assault, in violation of 18 Pa.C.S. §2702(a)(1) through (6), inclusive;
- (viii) Rape, in violation of 18 Pa.C.S. §3121;
- (ix) Involuntary deviate sexual intercourse in violation of 18 Pa.C.S. §3123;
- (x) Robbery, in violation of 18 Pa.C.S. §3701(a)(1)(i) through (iv), inclusive; and
- (xi) Aggravated assault by vehicle while driving under the influence, in violation of 75 Pa.C.S. §3735.1.

Comment

The approval of the attorney for the Commonwealth may be oral in appropriate circumstances. When feasible, such oral approval should be communicated directly to the judicial officer, who should make proper notations thereof.

BAIL

Rule 528 Monetary Condition of Release on Bail. Realty as Security

(a) When realty is offered to satisfy a monetary condition of bail, in full or in combination with other forms of security, a completed affidavit of surety and surety information page (including a warrant of attorney for confession of judgment) must be submitted to the Clerk of Courts. The affidavit and the surety information page shall be in such form as the Clerk may prescribe from time to time.

(b) The affidavit of surety and the surety information page shall be signed by the defendant and by all owners of the realty being offered as security if the realty is not owned by the defendant

(c) Attached to each affidavit of surety submitted pursuant to paragraph (a), above, shall be the following:

- (i) a photocopy of the deed, decree of distribution or other instrument of record, bearing all pertinent recording data, by which title was acquired, and
- (ii) the written certification by a lawyer licensed to practice law in the Commonwealth certifying the names of the current owners of record of the realty, certifying that good and marketable title

is vested in them, and further certifying the nature, holder and unpaid balance of each lien that then encumbers the realty, including, but not limited to, mortgage, judgment and tax liens. A title insurance policy with the County of Armstrong appearing as a named insured may be Substituted for the lawyer's written certification.

(d) The Clerk of Courts shall make the determination of whether the net value of the property is sufficient to satisfy the monetary condition. For property located outside the Commonwealth but within the United States, the Clerk may impose reasonable conditions designed to perfect the lien. The Clerk shall not accept realty outside the Commonwealth as fulfillment of the monetary condition, in whole or in part, without special approval of Court.

(e) The Clerk of Courts shall, as final acceptance of the realty as security, cause of judgment to be confessed against all owners thereof in the appropriate county, in favor of the Commonwealth for the use of Armstrong County. The Clerk of Courts is hereby authorized to execute all judgment lien releases for property that may be encumbered by the judgment lien, but not intended to serve as security, and is further authorized to cause the judgment lien to be marked as satisfied after the full and final disposition of the case. The Clerk shall file a certificate among the papers of the criminal case certifying that judgment has been entered and setting forth the pertinent details of entry.

(f) A fee shall be paid to the Clerk of Courts at the time of the submission of the affidavit of surety. The amount of the fee shall be determined from time to time by Order of the Court. No cost arising from the perfection, release or satisfaction of a judgment lien shall be paid by the Clerk, but shall be borne by the defendant or a surety.

MOTION PROCEDURES

Rule 578 Omnibus Pretrial Motions for Relief. Cover Sheet

Every omnibus pretrial motion for relief requiring an evidentiary hearing or argument shall have attached thereto a cover sheet as a front page. The cover sheet shall be substantially in the following form:

[CAPTION]

**COVER SHEET
FOR OMNIBUS PRETRIAL MOTION REQUIRING EVIDENTIARY HEARING**

-1-

Has any judge heard this matter previously?

_____ Yes _____ No

-2-

If yes, which judge has heard it? _____

-3-

How many witnesses do you believe will testify (combined total)?

-4-

How much time will be reasonably necessary to conduct the hearing?

_____ minutes _____ hours _____ days

I hereby certify all of the above statements are true and correct to the best of my knowledge.

Attorney for

Adopted January 7, 2008, effective February 26, 2008

Rule 585 Nolle Prosequi

An order of *nolle prosequi* will be considered only upon motion of the attorney for the Commonwealth, either orally in open court or in writing.

PLEA PROCEDURES

Rule 590 Pleas and Plea Agreements

(a) Upon written request delivered directly to the Court Administrator and signed by both the District Attorney and defense counsel (or by a defendant if there is no defense counsel), the Court Administrator shall place a case on the Plea Court List.

(b) No written request directing that a case be placed on a Plea Court List shall be signed by the District Attorney or defense counsel (or by a defendant, if there is no defense counsel) unless the applicable plea agreement, if any, has first been signed by the District Attorney, the defendant, and defense counsel, if any.

Adopted January 7, 2008, effective February 26, 2008

TRIAL PROCEDURES IN COURT CASES

GENERAL PROVISIONS

Rule 602 Presence of the Defendant. Transportation from Current Place of Detention

If a defendant represented by counsel is in detention in any facility other than the Armstrong County Jail, and if he is scheduled for any appearance before the Court, defense counsel shall petition the court for an order causing his temporary release from his current place of confinement and his transportation to an confinement at the Armstrong County Jail pending and during his appearance before the Court. If the defendant is not represented by counsel, the attorney for the Commonwealth shall file such a petition. The petition shall have an appropriate Order attached thereto, and it shall be filed no later than ten (10) days before the date of appearance.

NON-JURY PROCEDURES

Rule 620 Waiver of Jury Trial

After an appropriate colloquy, a written waiver of jury trial shall be signed by the defendant if the Court ascertains that the defendant is knowingly and intelligently ready to waive the same.

POST-TRIAL PROCEDURES IN COURT CASES

SENTENCING PROCEDURES

Rule 700 Sentencing Judge

A sentence on a plea of guilty or *nolo contendere* may be imposed by a judge other than the judge who received the plea, if the defendant has been so notified at the time of entering the plea or if he agrees thereto at the time of sentencing.

Comment

This rule is not intended to proscribe sentencing by a judge who did not receive the plea when there are extraordinary circumstances which preclude the presence of that judge.

Rule 702 Aids in Imposing Sentence

(a) As an aid in imposing sentence, the Court will consider applications submitted to the Probation Office for the electronic monitoring of the defendant while confined to his home, and the fact of approval or disapproval thereof by the Probation Office, the attorney for the Commonwealth and the Warden of the Armstrong County Jail.

(b) Applications for electronic monitoring shall be in such form as may from time to time be prescribed by the Probation Office. Such applications shall be available at the Probation Office.

(c) A bench warrant will be issued for the arrest and confinement of a defendant who fails to appear for an interview by the Probation Office in connection with the preparation of a pre-sentence investigation report.

PART III

LOCAL ORPHANS' COURT RULES

(cited as L.O.C. Rule ____)

CHAPTER I. PRELIMINARY RULES

Rule 1.1.1 Short Title and Citation

These Rules shall be known as the Local Orphans' Court Rules, shall be referred to individually as "Rule," and cited as "L.O.C. Rule _____."

Adopted 7/21/16. Effective 9/5/16

Rule 1.5 Service of Orders, Decrees, etc.

The Clerk shall be responsible for serving a certified copy of each order, decree, memorandum and opinion, or the like, entered by the Court, upon all lawyers who have appeared in the matter and upon all interested parties for whom no lawyer has appeared. In connection therewith, the Clerk shall refer to the cover sheet required by Rule 1.8(c), below.

Adopted Effective

Rule 1.6.1 Court-Ordered Mediation

The Court, upon motion of an interested party or upon its own motion, may order parties in a particular matter to participate in private mediation or in court-supervised mediation. The Court shall determine who shall bear the costs thereof, either prior to such mediation or afterwards. The Court may direct an interested party to advance the costs of such mediation and direct reimbursement to such interested party as may be appropriate under the circumstances.

Adopted 7/21/16. Effective 9/5/16

Rule 1.8(c) Cover Sheet.

A cover sheet in the following form shall be attached to every petition filed pursuant to Chapter III of the Pennsylvania Orphans' Court Rules; every set of objections to an account filed pursuant to Pa.O.C. Rule 2.7; and every set of objections to an inventory filed pursuant to 20 Pa.C.S. §3305:

IN THE COURT OF COMMON PLEAS OF ARMSTRONG COUNTY, PENNSYLVANIA
ORPHANS' COURT DIVISION

COVER SHEET

for a Petition, for an Objection to an Account, or for an Objection to an Inventory

Basis of Orphans' Court Jurisdiction (Check One)			
<input type="checkbox"/> Decedent's Estate	<input type="checkbox"/> Trust	<input type="checkbox"/> TPR or Adoption	<input type="checkbox"/> Incapacitated Person
<input type="checkbox"/> Minor	<input type="checkbox"/> Power of Attorney		<input type="checkbox"/> Non-Profit Corporation
<input type="checkbox"/> Other (specify) _____			

Filing Party's Relationship to Entity or Person checked above		
<input type="checkbox"/> Personal Representative	<input type="checkbox"/> Parent or Guardian	<input type="checkbox"/> Trustee
<input type="checkbox"/> Heir	<input type="checkbox"/> Adopting Parent	<input type="checkbox"/> Trust Beneficiary
<input type="checkbox"/> Creditor	<input type="checkbox"/> Corporate Officer	<input type="checkbox"/> Agent (POA)
<input type="checkbox"/> Other: _____		

Court Paper Being Filed

Name of Filing Party

Address of Filing Party

To the Clerk of Orphans' Court Division: Please enter my appearance on behalf of the Filing Party	
Signature of Filing Attorney or Party	Date:

Name of Filing Attorney

Address of Filing Attorney

Telephone Number/Fax Number

On the reverse side, indicate the name and address of each interested party in this proceeding, as well as the name and address of each such party's attorney of record, if any.

Has any proceeding connected to this estate been heard by a judge of this Court?
 Yes No

If yes, which judge: _____

Is there any proceeding connected to this estate now pending before a judge of this Court?
 Yes No

If yes, which judge: _____

CHAPTER II. ACCOUNTS, OBJECTIONS AND DISTRIBUTIONS

Rule 2.4.1 Decree Confirming Account and Petition, and Approving Proposed Distribution, if any. Form

(a) A decree which will confirm the account and approve the petition for adjudication/statement of proposed distribution shall accompany the papers filed pursuant to Pa.O.C. Rule 2.4.

(b) The decree shall be in the following form, but it shall be modified appropriately if no distribution is being proposed:

[CAPTION]

**DECREE CONFIRMING ACCOUNT
AND
APPROVING AND DIRECTING DISTRIBUTION**

AND NOW, this _____ day of _____,
2____, it appearing to the Court that no objection has been filed to the Account or Petition for Adjudication/Statement of Proposed Distribution; NOW, THEREFORE, the Account is confirmed, the Petition and Statement are approved, and the accountant is hereby directed to make distribution in accordance therewith.

BY THE COURT,

Adopted 7/21/16. Effective 9/5/16

_____ J.

Rule 2.5.1 Time for Filing Account

(a) An account must be filed with the Clerk of the Orphans' Court Division no later than thirty (30) days before the regularly scheduled confirmation date published in the annual Court calendar upon which the accountant desires to have the account presented to the Court for confirmation.

(b) Notice of the filing with the Clerk shall be given by the accountant to all interested parties at least twenty (20) days prior to the date when the same will be presented to the Court for confirmation and approval.

Adopted 7/21/16. Effective 9/5/16

Rule 2.5.2 Notice of Filing. Form

Notice of the filing of an account, a petition for adjudication/statement of proposed distribution, and a proposed decree shall be substantially in the following form:

[CAPTION]

NOTICE

Attached is a true and correct copy of the account of _____
and a proposed decree, which was filed in the Office of the Clerk
of the Orphans' Court Division on _____,
2____.

Also filed on the same date and attached hereto is the
following (check one):

- a Petition for Adjudication
- a Petition for Adjudication including Statement of Proposed
Distribution

All these legal papers will be presented to the Court for
approval and confirmation on _____, 2____,
unless written objections to one or more of them is filed before
such date with the Clerk of the Orphans' Court Division.

Date: _____

Attorney

Address:

Adopted 7/21/16. Effective 9/5/16

Rule 2.9.1 Distribution Determined by Auditor

After confirmation of an account when no distribution has been
proposed, an accountant may petition the Court for the
appointment of an auditor to determine distribution.

Adopted 7/21/16. Effective 9/5/16

CHAPTER III. PETITION PRACTICE AND PLEADING

Rule 3.2.1 Headings; Captions

(a) Pleadings shall be captioned "Court of Common Pleas of
Armstrong County, Orphans' Court Division".

(b) The heading of any petition, pleading or other court
paper shall identify with particularity the nature of the paper
being filed.

(c) The caption and heading shall be substantially in the
following form:

**IN THE COURT OF COMMON PLEAS OF ARMSTRONG COUNTY, PENNSYLVANIA
ORPHANS' COURT DIVISION**

ESTATE OF JANE SMITH : No. _____
(Petition for Removal of :
Co-Executors, filed by John Doe) :

**ANSWER OF CO-EXECUTORS TO
PETITION FOR THEIR REMOVAL**

As noted in the parenthetical material set forth in the required format, the caption must identify the petition which commenced the proceeding.

Comment

"Petition for Citation", "Answer", "Preliminary Objections", and "Exceptions" are examples of headings that will not be in compliance with this Rule.

Adopted 7/21/16. Effective 9/5/16

Rule 3.4.1 Preliminary Decree Where Citation is Sought

In the case of a petition requiring a citation under Pa.O.C. Rule 3.5(a), the petition shall have attached thereto a proposed preliminary decree substantially in the following form:

[CAPTION]

PRELIMINARY DECREE AWARDING CITATION

AND NOW, this _____ day of _____, 2_____, upon presentation and consideration of the foregoing Petition (for) (to) _____, it is hereby **ORDERED** that a citation be awarded, directed to _____, to show cause why the relief prayed for therein should not be granted.

The citation shall be returnable within twenty (20) days of the date of its service upon the person cited.

BY THE COURT,

J.

Comment

In the Orphans' Court, a citation is the proper process by which initial personal jurisdiction over the person is obtained. *In re: Hicks' Estate*, 414 Pa. 131, 199 A.2d 283 (1964).

Adopted 7/21/16. Effective 9/5/16

Rule 3.5.1 Mode of Proceeding on Petition When No Answer is Filed

(a) If a respondent fails to file an answer to a petition, the averments of fact set forth in the petition shall be deemed to have been admitted and the Court may enter a decree granting the prayer of the petition, subject to the provisions of subsection (c), below.

(b) In any proceeding in which an answer to a petition is not filed, after the passing of the return date or notice period, as applicable, a petitioner may file a praecipe with the Clerk directing the Clerk forthwith to transmit the file to the Court for review and possible adjudication. The praecipe shall be in the following form:

[CAPTION]

PRAECIPE TO TRANSMIT RECORD

TO THE CLERK OF THE ORPHANS' COURT DIVISION:

I, the undersigned, hereby direct the Clerk of the Orphans' Court Division forthwith to transmit the record of this matter, including this praecipe, to the Court for review and action. I certify that notice of (type of petition) was served upon all parties in interest and that the required proofs of service have been filed. The date of service of the last notice to be served was _____, 2____.

Attorney for Petitioner

(c) After receipt of the record transmitted to the Court pursuant to subsection (b), above, the Court will review the record to determine its adequacy and will review the proposed prayer for relief to determine its appropriateness. The Court may enter an appropriate order thereafter or it may cause a pre-hearing conference or hearing to be scheduled.

(d) This Rule applies both to proceedings requiring personal jurisdiction and those that do not.

Adopted 7/21/16. Effective 9/5/16

CHAPTER V. RULES GOVERNING SPECIFIC TYPES OF PETITIONS

Rule 5.1.1 Declaratory Judgment

Comment

Rule 5.16.1 Form of Petition - Settlement of Small Estate

(a) This Rule applies to all petitions filed pursuant to 20 Pa.C.S. §3102, pertaining to settlement of small estates upon petition.

(b) A petition for settlement of a small estate shall include the following:

(1) the name and address of each petitioner;

(2) the decedent's date of death and domicile at the time of death, together with a statement that an original death certificate is attached;

(3) a statement whether the decedent died testate or intestate and, if testate, that the original copy of the will is attached; or that it cannot be produced and the reason therefor and that a photocopy of it is attached.

(4) the name and address of each testate or intestate heir, as applicable.

(5) the name and addresses of all claimants known by the petitioner, including creditors of the decedent on the date of death, providers of funeral services, providers of goods and services to the petitioner arising from settlement of the estate, together with the amounts claimed by each, even if the claims have been satisfied before the filing of the petition, together with a notation of which such claims remain unsatisfied;

(6) all assets of decedent's estate, other than real estate, and the value of each;

(7) in the event that it appears that all claimants cannot be paid in full, all assets in which the decedent had an interest as a joint tenant with right of survivorship, together with the value of each such asset and decedent's fractional interest therein;

(8) a statement that a Pennsylvania inheritance tax return need not be filed and the reason therefor; or, in the alternative, that one has been filed, that all taxes due thereon have been paid, and that proof of

such payment is attached to the petition; or, in the alternative, the reason why the same has not occurred;

(9) the name of each proposed distributee and their respective proposed distributions;

(10) the name of each person who has consented to or joined in the prayer of the petition, together with a statement that the consent is attached; and

(11) any other relevant information.

(c) The following items shall be attached to a petition for settlement of a small estate:

(1) an original death certificate;

(2) the decedent's will, if any;

(3) proof of payment of the Pennsylvania inheritance due under the return actually filed;

(4) original copies of consents, joinders, and statements of no objection signed by interested parties; and

(5) a proposed decree of distribution.

Adopted 7/21/16. Effective 9/5/16

CHAPTER IX. AUDITORS AND MASTERS

Rule 9.1.1 Notice of Hearings

(a) The auditor or master shall fix a date, time and place for hearing and shall give written notice of the hearing to the accountant, objector or petitioner and to all interested parties or their counsel of record by first class mail at least twenty (20) days prior thereto. In the event notice cannot be given in such manner, notice shall be given by advertisement one time in the Armstrong County Legal Journal and one time in a newspaper of general circulation in the county where the decedent resided. The date of publication shall be at least twenty (20) days prior to the hearing.

(b) the notice shall include the following:

(i) the caption and number of the case;

(ii) the fact and date of appointment;

- (iii) the name of the personal representative of the estate
- (iv) the time and place of hearing;
- (v) a general statement of the matters to be determined; and
- (vi) the signature and the typewritten name, address and telephone number of the auditor or master.

Adopted 7/21/16. Effective 9/5/16

Rule 9.1.2 Conduct of Hearing

a) All hearings before an auditor or master shall be conducted in accordance with the Pennsylvania Rules of Evidence.

(b) The hearings may be continued or adjourned from time to time by the auditor or master for cause shown or upon agreement of all parties present, but each continuance or adjournment shall be to a day certain not more than thirty days distant.

(c) Auditors and masters shall have the authority to administer oaths to witnesses.

(d) Auditors and masters shall have the authority to issue subpoenas, including subpoenas duces tecum.

(e) With leave of court, the auditor or master may retain experts as an aid in the performance of appointed duties. Leave may be obtained by motion presented in Motions Court pursuant to the Local Rules of Civil Procedure. All parties in interest shall receive notice of the presentation of such a motion.

(f) Evidentiary hearings before an auditor or master shall be recorded by stenographic and not electronic means.

Adopted 7/21/16. Effective 9/5/16

Rule 9.6.1 Notice of Filing of Report. Form of Notice

(a) An auditor or master shall timely file the report with the Clerk and simultaneously serve notice thereof upon the accountant or objector and all other interested parties who appeared at the hearing. The notice shall be given by first class mail. A copy of the report shall be attached to the notice. Proof of service of the notice shall be filed immediately after mailing of the same. A copy of the notice shall be attached to the proof.

(b) The notice shall be in the following form:

[CAPTION]

NOTICE OF FILING AUDITOR'S (MASTER'S) REPORT

TAKE NOTICE, that the undersigned, the duly appointed auditor, (master,) filed his (her) Report with the Clerk of the Orphans' Court Division on _____, 2____. A copy of the Report is attached.

Under the Local Orphans' Court Rules, you have twenty (20) days from the date the Report was filed to file written exceptions to it with the Clerk of the Orphans' Court Division. If you fail to do so, the Court may confirm the Report (may adopt the recommendations of the Report).

Auditor (Master)

Adopted 7/21/16. Effective 9/5/16

Rule 9.7.1 Confirmation of Auditor's Report

Unless exceptions to an auditor's report are timely filed, the report will be confirmed by the Court. The Clerk shall transmit the report as of course so it may be so confirmed.

Adopted 7/21/16. Effective 9/5/16

Rule 9.7.2 Confirmation of Master's Report

Unless exceptions to a master's report are timely filed, the Court will adopt its recommendations. The Clerk shall transmit the report to the Court as of course so its recommendations may be so adopted.

Adopted 7/21/16. Effective 9/5/16

Rule 9.7.3 Exceptions to Auditor's Report or Master's Report. Time

(a) Exceptions to an auditor's report or a master's report, must be filed within twenty (20) days after its date of filing. If a party files timely exceptions, any other party may file cross exceptions within twenty (20) days after the filing of exceptions.

Adopted 7/21/16. Effective 9/5/16

Rule 9.7.4 Form of Exceptions. Place of Filing

(a) Exceptions to an auditor's report, or master's report, shall be in writing filed with the Clerk.

(b) Exceptions shall be set forth in consecutively numbered paragraphs, each paragraph raising but one issue, and stating the ground or grounds therefor. Exceptions shall be signed by the exceptant or the exceptant's attorney.

Adopted 7/21/16. Effective 9/5/16

Rule 9.8.1 Security for Expenses and Fees

An auditor or master, the accountant, or any interested party may apply to the Court at any time for leave to require security for the payment of the auditor's or master's expenses and fees, and, when such leave is granted, the auditor or master may decline to proceed until security is entered.

Adopted 7/21/16. Effective 9/5/16

CHAPTER X. REGISTER OF WILLS

Rule 10.3.1 Hearings

Evidentiary hearings before the Register shall be recorded by stenographic means and not by electronic means.

Adopted 7/21/16. Effective 9/5/16

Rule 10.4.1 Appeals from the Register of Wills. Petition. Citation.

(a) Appeals from a judicial act or decision of the Register of Wills shall be by petition directed to the Court.

(b) When a petition for appeal has been filed with the Court, the Register of Wills shall cause the record to be certified to the Court and properly docketed in the Orphans' Court Division dockets.

(c) After the record has been certified and docketed as required in subparagraph (c) of this rule, the Court will award a citation directed to all parties in interest.

Adopted 7/21/16. Effective 9/5/16

Rule 10.7 Filing of Inventory. Notice. Petition to Compel Filing of Inventory. Objections to Inventory

(a) Inventories shall be filed with the Register of Wills, and not with the Clerk of the Orphans' Court Division.

(b) A copy of the inventory shall be served upon all interested parties in the same manner as an account is served. A notice substantially in the following form shall accompany the copy as its front page:

[CAPTION]

NOTICE

Attached is a true and correct copy of the Inventory/Supplement Inventory which was filed by the personal representative in the Office of the Register of Wills on _____, 20____.

Specific written objections, if any, may be filed with the Clerk of Orphans' Court Division in accordance with Local Orphans' Court Rule 10.7(d).

Personal Representative or Attorney

(c) All petitions to compel the filing of an inventory or a supplemental inventory required by 20 Pa.C.S. §3301 and §3303, respectively, shall be filed with the Clerk of the Orphans' Court Division, and not with the Register of Wills.

(d) All objections to an inventory or supplemental inventory filed pursuant to 20 Pa.C.S. §3305 shall be filed with the Clerk of Orphans' Court Division, and not with the Register of Wills. All such objections shall be in writing with consecutively numbered paragraphs, signed by counsel, or if not represented by counsel, then by all the objectors. Objections must be verified by at least one of the objectors. Each objection shall be specific. The pleadings allowed after the filing of such objections shall be governed by Pa.O.C. Rule 2.8(a) and (b).

Adopted 1/20/17. Effective March 18, 2017

CHAPTER XIV. GUARDIANSHIPS OF INCAPACITATED PERSONS

Rule 14.2.1 Petition for Appointment of Guardian of Incapacitated Person. Preliminary Order

The petition for appointment of guardian of incapacitated person shall have attached thereto a preliminary order of Court in the following form:

[CAPTION]

PRELIMINARY ORDER

AND NOW, this _____ day of _____, _____, the foregoing Petition for Appointment of Guardian having been presented to the Court, upon consideration thereof, it is **ORDERED** that a Citation be awarded, directed to the above-named alleged

incapacitated person, to show cause why he/she should not be adjudged an incapacitated person and a plenary/limited guardian of his/her person and estate be appointed.

The time and place of hearing on the petition are fixed for _____, _____, _____, at _____ M. in Courtroom No. ____ of the Armstrong County Courthouse, Kittanning, Pennsylvania.

The petitioner shall give notice to all persons who are residing within the Commonwealth of Pennsylvania who are *sui juris* and would be entitled to share in the estate of the alleged incapacitated person if he died intestate at that time; to the person or institution providing residential services to the alleged incapacitated person.

In addition, the petitioner shall also give notice to the following persons: _____.

BY THE COURT,

J.

Adopted 7/21/16. Effective 9/5/16

Rule 14.2.2 Service of Notice of Filing of Petition and Hearing Upon Persons Other than the Alleged Incapacitated. Proof of Service. Form

(a) Notice of the petition for appointment of guardian and hearing shall be served upon all persons who are residing within the Commonwealth of Pennsylvania who are *sui juris* and would be entitled to share in the estate of the alleged incapacitated person if he died intestate at that time; to the person or institution providing residential services to the alleged incapacitated person; and to such other parties as the Court may direct, including services providers. Service of such notice must be given at least twenty (20) days in advance of the hearing.

(b) Proof of service of the notice shall be presented to the Court at time of hearing.

(c) The notice required by this Rule shall be in the following form:

[CAPTION]

NOTICE OF PETITION FOR APPOINTMENT OF GUARDIAN AND HEARING

TO: _____ (Name of Person)

TAKE NOTICE that a Petition for Appointment of Guardian of the Person and/or the Estate has been filed by (name of petitioner) in connection with this matter. A copy of the petition is attached.

The Court will hold a hearing upon the petition on _____ (day of week) _____, 2____ at _____.M. in Courtroom No. _____ of the Armstrong County Courthouse, Kittanning, Pennsylvania. You may appear at that time and be heard if you wish.

Attorney
Address
Telephone Number

Adopted 7/21/16. Effective 9/5/16

Rule 14.2.3 Appointment of Counsel. Application

The petitioner shall notify the Court at least seven (7) days prior to the final hearing upon the petition if counsel has not been retained by or on behalf of the alleged incapacitated person. Such notification shall consist of an application alleging the same and requesting the appointment of an attorney. Notice in advance of the presentation of such application is not required.

Adopted 7/21/16. Effective 9/5/16

Rule 14.2.4 Emergency Guardian

(a) A separate petition for appointment of an emergency guardian shall be filed.

(b) After a petition for the appointment of an emergency guardian has been filed, the matter shall proceed on citation and hearing. The provisions of 20 Pa.C.S. §5511, including those relating to counsel, shall be applicable, except when the Court has found that such provisions are not feasible under the circumstances. If a petitioner believes that one or more provisions of 20 Pa.C.S. §5511 are not feasible under the circumstances, the petitioner shall state the factual basis for the same, and the Court may, in its discretion, dispense with compliance in the order awarding the citation. If not all required provisions have been complied with by the time of the hearing upon the petition, the Court may, in its discretion at the hearing, further dispense with compliance, if compliance is shown to have been unfeasible.

(c) The citation issued in connection with a petition for appointment of emergency guardian shall be modeled after the

citation prescribed by Pa.O.C. Rule 14.5, with appropriate changes. A proposed citation shall be presented to the Court for review at the time the petition is presented.

(d) The petition shall have attached to it a preliminary order of court (emergency guardian) in following form:

[CAPTION]

**PRELIMINARY ORDER
(Emergency Guardian)**

AND NOW, this _____ day of _____, _____, the foregoing Petition for Appointment of Emergency Guardian having been presented in open Court, upon consideration thereof, it is **ORDERED** that a Citation be awarded, directed to the above-named alleged incapacitated person, to show cause why an emergency plenary/limited guardian of his/her person and estate should not be appointed.

The time and place of hearing on the petition are fixed for _____, _____, 2_____, at _____ .M. in Courtroom No. ____ of the Armstrong County Courthouse, Kittanning, Pennsylvania.

The Court finds that

Service of notice of the hearing on the petition for emergency guardian is not feasible under the circumstances and is waived.

Notice of the hearing to the following persons is feasible under the circumstances and directs that the same be given as indicated:

_____.

Strict compliance with 20 Pa.C.S. §5511(e); relating to contents of the petition, is not feasible under the circumstances and is waived.

Strict compliance with 20 Pa.C.S. §5511(a), pertaining to the right to counsel, is not feasible under the circumstances and is waived in connection with the petition for appointment of emergency guardian only.

BY THE COURT,

_____ J.

Adopted 7/21/16. Effective 9/5/16

Rule 14.2.5 Telephone Testimony

If all parties or their attorneys of record agree, the Court will receive the testimony of a physician or other expert witness

by telephone. In the event there is no such agreement, the Court will nonetheless consider permitting the same upon motion of any party presented at Motions Court in accordance with the Local Rules of Civil Procedure.

Adopted 7/21/16. Effective 9/5/16

CHAPTER XV. ADOPTION

Rule 15 Petitions Filed Pursuant to Chapter XV of the Pennsylvania Orphans' Court Rules

No more than one child may be the subject of a petition for voluntary relinquishment to an agency; for voluntary relinquishment to adult intending to adopt child; to confirm consents for an adoption; or for adoption.

Adopted 7/21/16. Effective 9/5/16

Rule 15.4.1 Petition for Involuntary Termination of Parental Rights. Form of Notice

The notice required by 23 Pa.C.S. §3513(b) shall designate the "Prothonotary of Armstrong County, Room 103, Armstrong County Courthouse, Kittanning, PA 16201 (telephone: 724-548-3252)" as the person from whom information can be obtained about legal help.

Adopted 7/21/16. Effective 9/5/16

PART IV

LOCAL RULES GOVERNING CONDUCT, OFFICE STANDARDS AND CIVIL PROCEDURE FOR DISTRICT JUSTICES

(cited as L.R.C.P.D.J. No. ___)

APPELLATE PROCEEDINGS WITH RESPECT TO JUDGMENTS AND OTHER DECISIONS OF DISTRICT JUSTICES IN CIVIL MATTERS

Rule 1008 Appeal as Supersedeas

(a) The procedure set forth in subsection (b) of this rule may be used as an alternative to the procedure set forth in Pa.R.C.P.D.J. No. 1008(B), but only when the judgment entered against the appellant includes no award of money damages for physical damage to the leasehold property. The appellant shall bear the burden of demonstrating to the Prothonotary the applicability of subsection (b) of this rule.

(b) When an appeal is from a judgment of a district justice for the possession of real property, receipt by the district justice of the copy of the notice of appeal shall operate as a supersedeas only if the appellant at the time of filing the appeal deposits with the Prothonotary a sum of money equal to the monthly rent payment due for the month in which the appeal was taken and by subsequently timely depositing a sum equal to the monthly rent with the Prothonotary within thirty (30) days following the date of the appeal, and each successive thirty (30) day period thereafter.

(c) Upon motion presented at Motions Court pursuant to the Local Rules of Civil Procedure, the Court will strike an appeal whenever a subsequent rent payment required as a condition of a supersedeas has not been paid to the Prothonotary.

PART V
LOCAL RULES OF JUDICIAL ADMINISTRATION

(cited as L.R.J.A No. ____)

MISCELLANEOUS ADMINISTRATIVE PROVISIONS

**Rule 100. Local Rule of Judicial Administration Governing
Public Access Policy**

In accordance with Section 7.0 Confidential Information of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts, certain information described in Section 7.0(A) shall not be included in any document filed with the court or custodian. Parties or attorneys shall file a Confidential Information Form contemporaneously with such document. The Confidential Information Form is available on www.accourts.com, www.pacourts.us, or in the filing office.

Adopted November 30, 2017. Effective January 6, 2018.

Rule 1901 Termination of Inactive Case. Notice

(a) The Prothonotary shall list for the general call on the first Monday in November of each year all civil matters in which no steps proceedings have been taken for two years or more prior thereto and shall give notice thereof to counsel of record, and to the parties for whom no appearance has been entered, as provided by Pa.R.J.A. No. 1901(c). If no action is taken or no written objection is docketed in such a matter prior to the commencement of the general call, the Prothonotary shall strike the matter from the list and enter an order as of course dismissing the matter with prejudice for failure to prosecute, under the provisions of this rule. If no good cause for continuing a matter is shown at the general call, an order shall be entered forthwith by the court for dismissal. The objecting party or counsel of record must appear at the general call.

Adopted January 15, 2015, effective March 8, 2015

(b) The Clerk of Courts shall list for general call on the first Monday of November of each year at 10:00 A.M. all criminal proceedings in which no steps or proceedings have been taken for two (2) years or more prior thereto and shall give notice thereof to the District Attorney, any private prosecutor and the

defendant. If no good cause for continuing a proceeding is shown at the general call, an order for dismissal shall be entered forthwith by the court.

(c) The Clerk of the Orphans' Court Division shall list for general call on the first Monday of November of each year at 10:00 A.M. all civil matters in which no steps or proceedings have been taken for two (2) years or more prior thereto and shall give notice thereof to counsel of record, and to the parties for whom no appearance has been entered. If no action is taken or no written objection is docketed in such a matter prior to the commencement of the general call, the Clerk of the Orphans' Court Division shall strike the matter from the list and enter an order as of course dismissing the matter with prejudice for failure to prosecute, under the provisions of this rule. If no good cause for continuing a matter is shown at the general call, an order shall be entered forthwith by the court for dismissal.

(d) Each District Justice shall annually provide to the Court Administrator on or before the first day of September in each year a list of all civil and criminal matters in which no steps or proceedings have been taken for two (2) years or more prior thereto. The Court Administrator shall thereupon give notice to the parties in all civil matters, and to the police or private prosecutor, in all criminal matters, that the matter will be dismissed on the first Monday of November at 10:00 A.M. by the District Justice of the District in which the matter was commenced, unless good cause is shown. Each District Justice shall hear all objections to dismissal in the Third Floor Hearing Room of the Armstrong County Courthouse at 10:00 A.M. on the first Monday of November of each year.

(e) Notice of an opportunity for hearing on a proposed termination shall be given by the Prothonotary, Clerk of Courts, the Clerk of the Orphans' Court Division, or Court Administrator, as the case may be, as follows:

- i) in person or by regular mail to the last address of record of the parties or their counsel of record; or
- ii) by publication one time in the Armstrong County Legal Journal, at least thirty (30) days before the date of the general call, where notice by regular mail cannot be given or has been returned undelivered.

Comment

Former L.R.J.A. No. 1901(a) is now governed by Pa.R.C.P. No. 230.2.

Rule 1901.1 Status Conference in Certain Cases

(a) The Court Administrator shall cause a status conference to be held before a judge approximately 180 days after a complaint in civil action, as defined below in subsection (c), has been filed, unless the case has already been placed on the Pre-Trial Conference List pursuant to L.R.C.P. No. 212.1.

(b) At the status conference, the Court may do any or all of the following:

- i) establish deadlines for discovery;
- ii) establish deadlines for the filing of amended pleadings or the joinder of additional parties;
- iii) order a severance or consolidation pursuant to Pa.R.C.P. No. 213;
- iv) schedule a pre-trial conference;
- v) schedule a trial;
- vi) take any other action to expedite the resolution of the issues.

(c) For purposes of this Rule, "civil action" includes only tort, mass tort, professional liability, contract, and equity actions.

Adopted November 21, 2014, effective January 13, 2015

Rule 1904 Custody, Storage and Disposal of Exhibits

(Rescinded on March 22, 2024, effective May 6, 2024.)

RULES GOVERNING COURT REPORTING AND TRANSCRIPTIONS

Rule 4001 Interpretation of Rules. Citations of Rules

(A) These Local Rules of Judicial Administration pertaining to court reporting and transcripts shall be read *in pari materia* with the Pennsylvania Rules of Judicial Administration pertaining to the same subject matter.

(B) The Local Rules of Judicial Administration shall be cited as L.R.J.A. _____.

Adopted November 16, 2016. Effective January 10, 2017

Rule 4002 Definitions

Court Administrator means the court administrator of the Court of Common Pleas of the 33rd Judicial District sitting in Armstrong County.

Court reporter includes court recorder, unless indicated otherwise.

Adopted November 16, 2016. Effective January 10, 2017

Rule 4004 Certification of Court Reporter. Duties of Court Administrator

(A) The Court Administrator shall be responsible for making the determination of whether a court reporter first employed or utilized by the Court after January 1, 2017 meets the minimum criteria to serve in such capacity, as set forth in the Pennsylvania Rule of Judicial Administration. In the event that the minimum criteria are met, the Court Administrator shall approve the court reporter's use by the Court.

(B) The Court Administrator shall be responsible for presenting pertinent information to the President Judge sufficient so as to permit the judge to determine if the triennial or other requalification requirements for a court reporter, as set forth in the Pennsylvania Rules of Judicial Administration, have been satisfied.

Adopted November 16, 2016. Effective January 10, 2017

Rule 4007 Requests for Transcripts. Payments

(A) All requests for a transcripts shall be filed with the Court Administrator.

(B) Upon receipt of a request for an ordinary transcript, the Court Administrator shall forthwith instruct the appropriate court reporter to prepare a brief statement of estimated cost. In preparing such statement, the court reporter shall calculate the estimated cost by using the price rates explicitly established by the Pennsylvania Rules of Judicial Administration or other rates approved pursuant thereto.

(C) A partial payment shall be made by the requester after the Court Administrator has informed the requester of the estimated cost. A partial payment in the amount of seventy-five percent (75%) of the estimated cost shall be made for an ordinary transcript. A partial payment in the amount of ninety per cent (90%) of the estimated cost shall be made for all other transcripts. All checks shall be made payable to "The Treasurer of Armstrong County." All checks shall be delivered to the Court Administrator.

(D) The Court Administrator shall receive payment for any balance owed for the transcript. All checks shall be payable to "County of Armstrong." The Court Administrator shall deliver the transcript to the requester upon receipt of such payment.

(E) If a filing office (Office of the Prothonotary, Clerk of Courts, or the Clerk of the Orphans' Court Division) receives a request for a copy of a transcript already delivered to it by a court reporter, it shall forward the same to the Court Administrator. The Court Administrator shall proceed in accordance with this Rule. The filing office is prohibited from making a copy of a transcript, paperbound or otherwise.

(F) The provisions of this Local Rule regarding deposits and final payments shall not apply to a request for a transcript where the Commonwealth or any subdivision thereof is the requester, or where the requester has been given *in forma pauperis* status. Legal aid clients shall be entitled to obtain an ordinary transcript at no cost, provided that Laurel Legal Services, or any other legal aid agency representing the requester, must first provide the President Judge with a letter of certification verifying, as provided in R.J.A. 4008(B), that the client meets financial eligibility and that the matter is under appeal or that the transcript being requested is necessary to advance the current litigation.

Adopted November 16, 2016. Effective January 10, 2017

**Rule 4008 Transcript Costs Payable by Requesting Party
Other than the Commonwealth or a Subdivision
Thereof**

(A) The transcript costs payable by a requesting party other than the Commonwealth or a subdivision thereof, shall be subject to the provisions of Paragraph (B) and (C) of this Rule, and shall be as follows:

(1) Electronic Format:

- (a) for an ordinary transcript, \$2.50 per page
- (b) for an expedited transcript, \$3.50 per page
- (c) for a daily transcript, \$4.50 per page
- (d) for same-day delivery, \$6.50 per page
- (e) for a real-time feed, \$1.00 per page
- (f) for complex litigation, \$3.00 per page
- (g) for rough drafts, \$1.00 per page

(2) Paper Format:

- (a) for an ordinary transcript, \$2.75 per page
- (b) for an expedited transcript, \$3.75 per page
- (c) for a daily transcript, \$4.75 per page
- (d) for same-day delivery, \$6.75 per page
- (e) for a real-time feed, \$1.00 per page
- (f) for complex litigation, \$3.25 per page
- (g) for rough drafts, \$1.25 per page

(B) The president judge may impose a reasonable surcharge in cases of unusually complex litigation, such as litigation where unusually complex expert testimony is received.

(C) A litigant who requests a transcript in a matter under appeal or where the transcript is necessary to advance the litigation, may seek a waiver or reduction of the fees otherwise payable by simultaneously filing a petition to proceed *in forma pauperis* together with the request for a transcript. The petition shall be in the form prescribed by Pa.R.C.P. No. 240(h).

Adopted November 16, 2016. Effective January 10, 2017

Rule 4009 Fees for Court Reporting Products

The President Judge shall, from time to time, enter an order of court pertaining to the fees paid to court reporters for their work products. All such fees shall be reasonable.

Adopted November 16, 2016. Effective January 10, 2017

Rule 4015 Ownership of Notes. Storage. Unauthorized Copying

(A) Notes of testimony of court proceedings, stenographic notes, tapes, rough draft transcripts or other media used by court reporting personnel to record or monitor a proceeding in or for a court as well as transcriptions thereof, are the exclusive property of the Thirty-third Judicial District, subject to the vested property interests of court reporters described by these rules. Court reporters must, on a daily basis, upload their notes to the Cloud for storage.

(B) The copying of any portion of a transcript or the copying of a copy of any portion of a transcript is prohibited except in accordance with the procedures set forth in these Local Rules of Judicial Administration. Any person who violates this provision shall be liable to the County of Armstrong for payment of the copied product. The Court may impose sanctions upon litigants who violate this provision. The Court may report any violation to appropriate disciplinary tribunals as a violation of an ethical obligation.

Adopted November 16, 2016. Effective January 10, 2017

Rule 5000.13 Retention and Safeguarding of Reporters' Notes

Repealed

Adopted November 16, 2016. Effective January 10, 2017

RULES GOVERNING CUSTODY OF EXHIBITS

Rule 5101. Definition

The term "custodian," as used in this rule, shall mean the Prothonotary/Clerk of Courts, or a designated representative, as the case may be.

Adopted March 22, 2024. Effective May 6, 2024.

Rule 5102. Custody of Exhibits. General Provisions.

(a) During Court Proceedings.

(1) The custodian shall secure and maintain all documentary exhibits, photographs, and photographs of non-documentary exhibits accepted or rejected during the court proceeding.

(2) If, for any given proceeding, no representative of the Clerk of Courts/Prothonotary is present, then the court reporter shall be designated as custodian during the court proceeding.

(b) After Court Proceedings.

The custodian shall deliver all documentary exhibits, photographs, and photographs of non-documentary exhibits to the Prothonotary/Clerk of Courts for filing within five (5) business days after the conclusion of the court proceeding.

Adopted March 22, 2024. Effective May 6, 2024.

Local Rule 5103. Custody of Exhibits. Special Provisions.

(a) Documentary Exhibits:

(1) If a proponent offers into evidence an exhibit such as a letter, report, drawing, map, photograph, or other document that is larger in size than 8-1/2 x 11 inches, the proponent shall ensure that a copy of the document reduced to 8-1/2 x 11 inches is entered into the record.

(2) A proponent who provides a reduced copy of an oversized exhibit shall ensure that the reproduced document is clear and capable of further reproduction or transfer to digital media.

(b) Photographs.

(1) If a proponent offers into evidence a photograph, the proponent shall ensure that the original or a copy of the photograph in lieu of the original (no larger in size than 8-1/2 x 11 inches) is entered into the record.

(2) A proponent who provides a copy of a photograph shall ensure that the reproduced document is clear and capable of further reproduction or transfer to digital media.

(c) Non-documentary Exhibits: Generally.

(1) If a proponent offers into evidence a non-documentary exhibit, the proponent shall ensure that a photograph (no larger in size than 8-1/2 x 11 inches) of the exhibit is entered into the record.

(2) A proponent who provides a photograph of a non-documentary exhibit shall ensure that the photograph is clear and capable of further reproduction or transfer to digital media.

(3) An exhibit that is bulky, oversized or otherwise physically impractical for the custodian to maintain, the exhibit shall be secured as directed by the court in a secured vault established for such purpose.

(4) Any exhibit that cannot be printed (i.e., audio or video recording) shall be entered into the record on a Universal Serial Bus (USB) flash drive (or other format, such a compact disc, if expressly approved by the court).

(d) Non-documentary Exhibits: Weapons, Contraband, Hazardous Materials.

(1) If a proponent intends to bring any weapon, drug or other dangerous material into court for use in a proceeding, the proponent shall so notify the Sheriff of Armstrong County at least one day in advance and attach the gun or material to a board.

(2) In any proceeding in which weapons, cash, other items of value, drugs, or other dangerous materials are offered into evidence, the custodian shall secure the exhibits while the court proceeding is in session, as well as during all breaks and recesses. The securing of exhibits of this nature shall be done under the supervision of the Sheriff of Armstrong County or deputy.

Adopted March 22, 2024. Effective May 6, 2024.

PART VI
LOCAL LAW LIBRARY RULES
(cited as L.L.L.R. No. ___)

Rule 1 Open to Lawyers and General Public. Hours

The Armstrong County Law Library ("Law Library") shall be open to lawyers and the general public during the regular business hours of the Court.

Rule 2 Purpose.

The Law Library shall serve as a legal research facility for the Court, County officials, lawyers and the general public. No books, other works or library equipment may be removed from the Law Library by anyone except the Court.

Rule 3 Role of President Judge.

The President Judge shall have authority to make all decisions pertaining to the Law Library. The President Judge shall be the chairman ex officio of the Law Library Committee.

Rule 4 Law Library Committee.

A committee of four resident lawyers appointed by the President Judge shall oversee the general operation of the Law Library and make such recommendations to the President Judge as may be appropriate from time to time. The Law Library Committee shall make recommendations for the selection of books, other works and equipment for the Law Library. The members of the Law Library Committee shall serve without compensation.

Rule 5 Law Librarian.

The general day-to-day operations of the Law Library shall be conducted by a Law Librarian appointed by the President Judge. The compensation of the Law Librarian shall be fixed in the same manner as that of other Court personnel. The Law Librarian shall be supervised by the President Judge.

PART VII

LOCAL RULES OF JUVENILE COURT PROCEDURE

(cited as L.J.C.P.R. No. ____)

Rule 102 Citing the Local Rules of Juvenile Court Procedures

These Local Rules of Juvenile Court Procedure are intended to implement the Pennsylvania Rules of Juvenile Court Procedure. A rule shall be cited as "L.R.J.C.P. _____."

Rule 210 Approval of Arrest Warrant Applications

(a) The District Attorney of Armstrong County having filed a certification pursuant to Pa.R.J.C.P. 210(b), no arrest warrant application charging any offense set forth in subsection (b), below, shall hereafter be accepted by any judicial officer unless it has been approved by an attorney for the Commonwealth prior to its filing.

(b) Subsection (a) of this rule shall apply when any of the following offenses is charged:

- (i) Criminal homicide, in violation of 18 Pa.C.S. §2501;
- (ii) Murder in any degree, in violation of 18 Pa.C.S. §2502;
- (iii) Voluntary manslaughter, in violation of 18 Pa.C.S. §2503;
- (iv) Involuntary manslaughter, in violation of 18 Pa.C.S. §2504;
- (v) Homicide by vehicle, in violation of 18 Pa.C.S. §3732;
- (vi) Homicide by vehicle while driving under the influence, in violation of 18 Pa.C.S. §3735;
- (vii) Aggravated assault, in violation of 18 Pa.C.S. §2702(a)(1) through (6), inclusive

- (viii) Rape, in violation of 18 Pa.C.S. §3121;
- (ix) Involuntary deviate sexual intercourse in violation of 18 Pa.C.S. §3123;
- (x) Robbery, in violation of 18 Pa.C.S. §3701(a)(1)(i) through (iv), inclusive; and
- (xi) Aggravated assault by vehicle while driving under the influence, in violation of 75 Pa.C.S. §3735.1.

Comment

The approval of the attorney for the Commonwealth may be oral in appropriate circumstances. When feasible, such oral approval should be communicated directly to the judicial officer, who should make proper notations thereof.

Adopted October 3, 2006, effective November 20, 2006

Rule 1167 Filing and Service of Court Orders and Notices.

All orders and court notices subject to the Rules of Juvenile Procedure - Dependency Matters - shall be served by the Armstrong County Children, Youth and Family Services.

Adopted January 22, 2007, effective March 10, 2007

APPENDIX A

[CAPTION]

COVER SHEET
FOR PETITION REQUIRING EVIDENTIARY HEARING

-1-

Has any judge heard this matter previously?

_____ Yes _____ No

-2-

If yes, which judge has heard it? _____

-3-

How much time will be reasonably necessary to conduct the hearing?

_____ minutes _____ hours _____ days

I hereby certify all of the above statements are true and correct to the best of my knowledge.

Attorney for Petitioner

APPENDIX B

[CAPTION]

ORDER

AND NOW, this _____ day of _____, 2_____,
upon consideration of the foregoing petition, it is hereby
ORDERED that

1) a rule is issued upon the respondent to show cause
why the petitioner is not entitled to the relief requested;

2) the respondent shall file an answer to the petition
within twenty (20) days of service upon respondent;

3) the petition shall be decided under Pa.R.C.P. No.
206.7;

4) an evidentiary hearing on disputed issues of
material fact shall be held on ___(day of week)___, _____,
2_____, at _____M. in Courtroom No. ___ of the Armstrong
County Courthouse in Kittanning, Pennsylvania;

5) notice of the entry of this Order shall be provided
to all parties by the Prothonotary.

BY THE COURT,

J.

APPENDIX C

[CAPTION]

APPLICATION FOR CONTINUANCE

NOW COMES _____, by and through
(Name of Applicant)

(his) (her (its) attorney, _____, who
(Name of Attorney)

applies for a continuance based on the following:

1. The above-captioned matter is scheduled for

(Name of proceeding, i.e., argument, hearing, trial, etc.)

on the _____, 2_____, at _____ .M.,

before _____.
(Name of Judge, Master, etc.)

2. The moving party for said proceeding is

(Name of party whose claim is to be heard)

3. The other parties are:

_____ represented by: _____

_____ represented by: _____

_____ represented by: _____

4. The proceeding was scheduled by _____
(Order or notice)

dated _____.
(Date)

5. The proceeding (has) (has not) been previously continued (____ time(s)). (The party filing this application has obtained a continuance ____ time(s)).

6. A continuance is requested because

(State specific reason for request. If continuance is requested because of a conflicting court matter, state (1) name of the case; (2) the court; (3) the nature of the scheduled proceeding; (4) the date, time and expected duration of the conflicting proceeding; and (5) the date of the order or notice scheduling the conflicting proceeding. Attach a copy of the order or notice.)

7. (a) _____ The following parties have been notified of this request and have no objection:

(b) _____ The following parties have not been notified of this request:

(c) _____ Efforts to notify the opposing party include: _____

(d) _____ The following parties objected to the continuance for the reason stated herein: _____

8. The proceeding, when heard, will not exceed _____
(hours) (days).

9. I specifically request a continuance to the next
available date.

Respectfully submitted,

APPENDIX C (continued)

[CAPTION]

ORDER

AND NOW, this _____ day of _____, _____, upon consideration of the attached Application of _____ (Name of Applicant) requesting a continuance:

_____ the Application is denied.

_____ the Application is granted and the matter is scheduled for _____ (Date), _____ at _____ (Time) .m. before

_____ is hereby continued until _____ (Name of judge, master, etc.)

_____, 2 _____ at _____ (Time) .m. (Date)

The applicant shall promptly notify all interested parties of this Order. Thereafter, the Prothonotary shall serve notice of the entry of this Order upon all parties.

BY THE COURT,

_____ J.

APPENDIX C-1

[CAPTION]

ORDER

AND NOW, this _____ day of _____, 2____,
upon consideration of the Motion for Post-Trial Relief, it is
hereby **ORDERED** as follows:

1) Oral argument upon the Motion will be held on
_____ (day of week) _____, 2____, at _____M. in
Courtroom No. ____ of the Armstrong County Courthouse,
Kittanning, Pennsylvania.

2) The movant shall file a brief in support of the
Motion on or before _____, 2____.

3) _____ (Name of party defending against Motion) shall
file a brief concerning the issues raised in the Motion on or
before _____, 2____.

4) Notice of the entry of this order shall be served
upon all parties by the Prothonotary.

BY THE COURT,

_____ J.

APPENDIX D

[CAPTION]

NOTICE OF INTENT TO PRESENT MOTION,
PETITION OR APPLICATION TO
MOTIONS JUDGE

To: _____ (name of person)

TAKE NOTICE that the attached _____

(Name of legal paper)

will be duly presented to the Motions Judge in Motions Court on
the second floor of the Armstrong County Courthouse, Kittanning,
Pennsylvania on (day of week), _____, 2____, at
_____.M. The Motions Judge will be asked to sign an order
granting the prayer for relief. You may appear and be heard at
that time if you wish.

Date: _____

Attorney

APPENDIX E

[CAPTION]

CERTIFICATE OF SERVICE

(Civil Division Matter)

I, the undersigned, hereby certify that I caused a copy of the attached Notice of Intent to Present Motion, Petition or Application to Motions Court Judge to be served upon

Name of Person

Method of Service

Date of Service

and that attached to said Notice was a true and correct copy of the legal paper referred to therein.

Date: _____

Attorney

APPENDIX F
[CAPTION]

ORDER

AND NOW, this _____ day of _____, 2_____, upon consideration of the (the nature of the preliminary objection and the name of the objector) , it is **ORDERED** as follows:

1. An evidentiary hearing to be followed by oral argument will be held upon the Preliminary Objections on (day of week) , _____, 2_____, at _____ .M. in Courtroom No. _____ of the Armstrong County Courthouse in Kittanning, Pennsylvania. (Strike if no evidentiary hearing is necessary.)

OR

1. Oral argument upon the Preliminary Objections will be held on (day of week) , _____, 2_____, at _____ .M. in Courtroom No. _____ of the Armstrong County Courthouse in Kittanning, Pennsylvania. (Strike if no evidentiary hearing is necessary.)

2. (Name of party to whom preliminary objections are addressed) shall file a brief concerning the issues raised in the Preliminary Objections on or before _____, 2_____.

3. Notice of the entry of this Order shall be served by the Prothonotary.

BY THE COURT,

J.

APPENDIX G

[CAPTION]

ORDER

AND NOW, this _____ day of _____, 2_____,
upon consideration of the _____ (the nature of the motion) _____, it is
hereby **ORDERED** as follows:

1. Oral argument upon the Motion will be held on
____ (day of week) _____, 2_____, at _____M. in
Courtroom No. _____, of the Armstrong County Courthouse,
Kittanning, Pennsylvania.

2. _____ (Name of party defending against motion) shall
file a brief concerning the issues raised in the Motion on or
before _____, 2_____.

3. Notice of the entry of this order shall be served
upon all parties by the Prothonotary.

BY THE COURT,

_____, J.

**APPENDIX H
[CAPTION]**

ORDER

You, _____ (Name of Defendant or Respondent) _____, have been sued in court concerning custody, partial custody, visitation or relocation of the children: _____

You are **ORDERED** to appear in person in Room 202 of the Armstrong County Courthouse in Kittanning, Pennsylvania on _____, 2 _____ at _____ .M. for a conciliation conference.

If you fail to appear as required by this order, an order concerning custody, partial custody, visitation or relocation may be entered against you or the court may issue a warrant for your arrest.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

PROTHONOTARY OF ARMSTRONG COUNTY
ARMSTRONG COUNTY COURTHOUSE
ROOM 103
KIT TANNING, PA 16201
724-548-3252

AMERICAN WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Armstrong 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 our office. All arrangements must be made at least 72 hours prior to any hearing or business before the Court. You must attend the scheduled conference or hearing.

BY THE COURT,

Date: _____ J.

APPENDIX I

[CAPTION]

CONSENT ORDER FOR MEDIATION IN A
CHILD CUSTODY MATTER

AND NOW, this _____ day of _____, 2_____,

the parties having consented to the entry of this Order as
witnessed by their signatures below, it is hereby **ORDERED** as
follows:

1) The parties are hereby referred to mediation.

Mediation shall be conducted by _____ (Name of mediator)

in accordance with Pa.R.C.P. No. 1940.1 through Pa.R.C.P. No.
1940.9, inclusive.

2) The compensation of the mediator shall be paid by
the parties as follows: _____% by Plaintiff/Petitioner and
_____ % by Defendant/Respondent in accordance with the following:

_____.

3) The following issues shall be the subject of the
mediation:

APPENDIX I (continued)

4) The rules set forth in 42 Pa.C.S. §5949, relating to confidential mediation communications and documents, shall be applicable.

5) Other:

BY THE COURT,

_____ J.

CONSENTED TO BY:

Plaintiff/Petitioner

Date: _____

Defendant/Respondent

Date: _____

APPENDIX J

[CAPTION]

NOTICE

TO: _____ (Name of Person)

TAKE NOTICE that an action has been instituted for the wrongful death of _____ (name of decedent) _____ at the above-captioned number.

A copy of the complaint is attached. (Strike if inapplicable.)

Name of Attorney for Plaintiff
Address
Telephone Number

APPENDIX K

[CAPTION]

CONSENT

I, _____, having read and considered the contents of the foregoing _____
_____ (type of petition)

_____, do hereby consent to the Court granting the prayer for relief, and I join in such prayer.

Date: _____

Witnessed:

APPENDIX I

[CAPTION]

ORDER AWARDING CITATION

AND NOW, this _____ day of _____, 2_____,
upon presentation and consideration of the foregoing Petition, it
is hereby **ORDERED** that a citation be awarded, directed to
_____, to show cause why the relief prayed
for therein should not be granted.

The citation shall be returnable on _____,
2_____.

OR

The citation shall be returnable within twenty (20)
days of the date of its service upon the person cited.

BY THE COURT,

_____ J.

APPENDIX M

[CAPTION]

NOTICE

TO: _____ (Name of Person)

TAKE NOTICE that _____ (name of petitioner) filed a
Petition _____ (type of petition)

with the Clerk of the Orphans' Court Division in connection with
the above-captioned matter on _____, 2____. A copy of
the petition is attached.

You have twenty (20) days from the date you were served
with this notice to file an Answer with the Clerk of the Orphans'
Court Division admitting or denying the averments of the
Petition, specifically stating your objections thereto and
averring the facts which you rely upon. (Strike if
inapplicable.)

OR

You have until _____, 2____ to
file an Answer with the Clerk of the Orphans' Court Division
admitting or denying the averments of the Petition, specifically
stating your objections thereto and averring the facts which you
rely upon. (Strike if inapplicable.)

If you do not file a timely Answer, the Court may grant
the prayer of the Petition without further notice to you.

Name of Attorney for Petitioner
Address
Telephone Number

APPENDIX N

[CAPTION]

PRAECIPE TO TRANSMIT RECORD

TO THE CLERK OF THE ORPHANS' COURT DIVISION:

I, the undersigned, hereby direct the Clerk of the Orphans' Court Division forthwith to transmit the record of this matter, including this praecipe, to the Court for review and action. I certify that notice of _____ (type of petition)

was served upon all parties in interest and that the required proofs of service have been filed. The date of service of the last notice to be served was _____, 2____.

Attorney for Petitioner

APPENDIX O

[CAPTION]

ORDER TO TRANSMIT THE RECORD

AND NOW, this _____ day of _____, 2_____,
upon consideration of Petitioner's Motion to Transmit the Record,
it is hereby **ORDERED** that the Clerk of the Orphans' Court
Division immediately transmit the full record of the above-
captioned matter to the Court for further action.

BY THE COURT,

_____ J.

APPENDIX O-1

[CAPTION]

PROOF OF SERVICE

I, the undersigned, hereby certify that I caused a copy of the attached Notice to be served upon the following parties in interest

Name and Address
of Person

Method of Service

Date of Service

and that attached to said Notice was a true and correct copy of the legal paper referred to therein.

Date: _____

Attorney

APPENDIX P

**IN THE COURT OF COMMON PLEAS OF ARMSTRONG COUNTY, PENNSYLVANIA
ORPHANS' COURT DIVISION**

ESTATE OF _____, :
DECEASED, LATE OF _____ : Estate No. _____
_____ :

Date of Death: _____ Date of first publication of Letters: _____

Date Letters Granted: _____ Date to which Account is Stated: _____

ACCOUNT

RECEIPTS

Principal - Realty

Total Principal - Realty \$ _____

Income - Realty

(include date of receipt, source of payment and amount)

Total Income - Realty \$ _____

Principal - Personalty

Total Principal - Personalty \$ _____

Income - Personalty

(include date of receipt, source of payment and amount)

Total Income - Personalty \$ _____

DISBURSEMENTS

Costs of Administration

(include date of payment, payee and amount)

Total Costs of Administration \$ _____

APPENDIX P (continued)

Preferred Debts

(include date of payment, payee and amount)

Total Preferred Debts \$ _____

Other Debts

(include date of payment, payee and amount)

Total Other Debts \$ _____

Advance Distributions

(include date of payment, distributee and amount)

Total Advance Distributions \$ _____

RECAPITULATION

Receipts:

Principal - Realty	\$ _____
Income - Realty	\$ _____
Principal - Personalty	\$ _____
Income - Personalty	\$ _____

Total Receipts \$ _____

Disbursements:

Costs of Administration	\$ _____
Preferred Debts	\$ _____
Other Debts	\$ _____
Advance Distributions	\$ _____

Total Disbursements \$ _____

Balance for Distribution \$ _____

APPENDIX P (continued)

AFFIDAVIT

STATE OF _____ SS
COUNTY OF _____

The above named Accountant(s) being duly sworn according to law depose(s) and say(s) that Letters _____ were granted to _____ and advertised more than four months prior to the filing of this Account; that the disbursements shown in the Account have been made to the parties entitled thereto and that the Account as stated is true and correct as _____ verily believe.

Sworn to and subscribed before me
this _____ day of _____,
2____.

APPENDIX Q

[CAPTION]

NOTICE

Attached is a true and correct copy of the account of

which was filed in the Office of the Clerk of the Orphans' Court Division on _____, 2_____, and which will be presented to the Court for confirmation on _____, 2_____, unless written objections are filed.

Also attached is a proposed decree of distribution, which was filed on the same day, and which sets forth the distribution as proposed by the accountant(s). It will be presented to the Court for approval at the same time the account is presented. (Strike if inapplicable.)

After the account is confirmed, the Court will be asked to appoint an Auditor to determine distribution. (Strike if inapplicable.)

Also attached is a copy of the will. (Strike if inapplicable.)

Unless written objections to the account are filed in accordance with the Local Rules of Orphans' Court on or before _____, 2_____, the Court may confirm the account.

APPENDIX Q (continued)

Unless written objections to the proposed decree of distribution are filed in accordance with the Local Orphans' Court Rules on or before _____, 2____, the Court may approve it and enter a decree directing distribution as proposed. (Strike if inapplicable.)

Dated this _____ day of _____, 2____.

Attorney

Address:

APPENDIX R

[CAPTION]

DECREE CONFIRMING ACCOUNT AND
DIRECTING DISTRIBUTION

AND NOW, this _____ day of _____, 2____, it appearing that the account was duly filed; that proper notice was given to all parties in interest; and that no objections have been filed which require consideration before the entry of this decree; **NOW, THEREFORE**, the account is confirmed, the statement of proposed distribution is approved, and the accountant is directed to make distribution as follows:

BY THE COURT,

_____ J.

APPENDIX S

[CAPTION]

NOTICE OF FILING AUDITOR'S (MASTER'S) REPORT

TAKE NOTICE, that the undersigned, the duly appointed auditor, (master,) filed his (her) Report with the Clerk of the Orphans' Court Division on _____, 2____. A copy of the Report is attached.

Under the Local Orphans' Court Rules, you have ten (10) days from the date the Report was filed to file written exceptions to it with the Clerk of the Orphans' Court Division. If you fail to do so, the Court may confirm the Report (may adopt the recommendations of the Report).

Auditor (Master)

APPENDIX T

[CAPTION]

NOTICE OF HEARING FOR APPOINTMENT
OF GUARDIAN OF MINOR

TO: _____ (Name of Person)

TAKE NOTICE that a Petition for the Appointment of a
Guardian of _____ (the person, the estate or both)
has been filed by _____ (name of petitioner) seeking the
appointment of _____ (name of proposed appointee).
A hearing will be held on _____ (day of week), _____,
2____ at _____ .M. in Courtroom No. _____ of the Armstrong County
Courthouse in Kittanning, Pennsylvania.

You may file written objections to the Petition with
the Clerk of the Orphans' Court Division at any time before the
hearing is held. Even if you do not file written objections, you
may appear at the hearing and be heard if you wish.

Attorney
Address
Telephone Number

APPENDIX U

[CAPTION]

NOTICE OF PETITION FOR APPOINTMENT
OF GUARDIAN AND HEARING

TO: _____ (Name of Person)

TAKE NOTICE that a Petition for Appointment of Guardian of the Person and/or the Estate has been filed by _____ (name of petitioner) _____ in connection with this matter. A copy of the petition is attached.

The Court will hold a hearing upon the petition on _____ (day of week) _____, _____, 2____ at _____.M. in Courtroom No. _____ of the Armstrong County Courthouse, Kittanning, Pennsylvania. You may appear at that time and be heard if you wish.

Attorney
Address
Telephone Number

APPENDIX V

[CAPTION]

PRELIMINARY ORDER

AND NOW, this _____ day of _____, _____, the foregoing Petition for Appointment of Guardian having been presented in open Court, upon consideration thereof, it is **ORDERED** that a Citation be awarded, directed to the above-named alleged incapacitated person, to show cause why he/she should not be adjudged an incapacitated person and a plenary/limited guardian of his/her person and estate be appointed.

The time and place of hearing on the petition are fixed for _____, _____, _____, at _____ .M. in Courtroom No. _____ of the Armstrong County Courthouse, Kittanning, Pennsylvania.

The petitioner shall give notice to all persons who are entitled thereto as intestate heirs under 20 Pa.C.S. §5511(a), at least ten (10) days in advance of the hearing.

BY THE COURT,

_____ J.

APPENDIX W

[CAPTION]

PRELIMINARY ORDER
(Emergency Guardian)

AND NOW, this _____ day of _____, _____,
the foregoing Petition for Appointment of Emergency Guardian
having been presented in open Court, upon consideration thereof,
it is **ORDERED** that a Citation be awarded, directed to the above-
named alleged incapacitated person, to show cause why an
emergency plenary/limited guardian of his/her person and estate
should not be appointed.

The time and place of hearing on the petition are fixed
for _____, _____, 2_____, at
_____ .M. in Courtroom No. _____ of the Armstrong County
Courthouse, Kittanning, Pennsylvania.

The Court finds that

[] Service of notice of the hearing on
the petition for emergency guardian is not
feasible under the circumstances and is
waived.

[] Notice of the hearing to the
following persons is feasible under the
circumstances and directs that the same be
given as indicated: _____

APPENDIX W (continued)

[] Strict compliance with 20 Pa.C.S. §5511(e); relating to contents of the petition, is not feasible under the circumstances and is waived.

[] Strict compliance with 20 Pa.C.S. §5511(a), pertaining to the right to counsel, is not feasible under the circumstances and is waived in connection with the petition for appointment of emergency guardian only.

BY THE COURT,

J.

APPENDIX X

[CAPTION]

**NOTICE OF INTENTION
TO DESTROY OR DISPOSE OF
COURT EXHIBITS**

TO: _____ (Name of Person)

Please take notice that I intend to petition the President Judge of the Court of Common Pleas of Armstrong County for an order authorizing the destruction or disposal of the following exhibit(s) currently in my custody:

Under Local Rule of Judicial Administration No. 1904, you have thirty (30) days from the date of the mailing of this notice to retrieve custody of the exhibit(s) from me; otherwise, I will present my petition and, if authorized by the President Judge, destroy or dispose of the same without further notice to you.

You may retrieve the exhibit(s) at my office in the Armstrong County Courthouse, during regular business hours.

Date of Mailing: _____ (Signature of Official Custodian)

(Title of Official Custodian)

APPENDIX Y

[CAPTION]

MOTION FOR CONTINUANCE

NOW COMES _____, by and through
(Name of Movant)
(his) (her) (its) attorney, _____, who
(Name of Attorney)
applies for a continuance based on the following:

1. The above-captioned matter is scheduled for

(Name of proceeding, i.e., argument, hearing, trial, etc.)
on _____, the ____ day of _____, 2____,
at ____ .M., before _____.
(Name of Judge)

2. The other party is represented by _____
_____.

3. The proceeding was scheduled by _____.
(Order or Notice)
dated _____.
(Date)

4. The proceeding (has) (has not) been previously
continued (____ time(s)). (The party filing this application has
obtained a continuance _____ time(s)).

5. A continuance is requested because

(State specific reason for request. If continuance is requested because of a conflicting court
matter, state (1) name of the case; (2) the court; (3) the nature of the scheduled proceeding;
(4) the date, time and expected duration of the conflicting proceeding; and (5) the date of the
order or notice scheduling the conflicting proceeding. Attach a copy of the order or
notice.)

6. Check all that apply:

- (a) The (Commonwealth) (Defendant) has been notified of the presentation of this motion, as follows: _____

- (b) The (Commonwealth) (Defendant) has not been notified of the presentation of this Motion. The reasons therefor are the following:

- (c) The (Commonwealth) (Defendant) has informed me that (he) (she) (it) has no objection to a continuance.

7. The proceeding, when heard, will not exceed

No. of hours/days

8. I specifically request a continuance to the next available date.

Respectfully submitted,

APPENDIX Z

[CAPTION]

ORDER

AND NOW, this ____ day of _____, 2____, upon consideration of the foregoing Motion for Continuance:

____ the Motion is denied.

____ the Motion is granted and the matter is scheduled for _____, 2 _____ at _____ .m. before
(Date) (Time)

_____ is hereby continued until _____,
(Name of Judge)
2 _____ at _____ .M. before _____
(Name of Judge)

____, 2 _____ at _____ .M.

The applicant shall promptly notify all interested parties of this Order.

Thereafter, the Clerk of Courts shall serve notice of the entry of this Order upon all parties.

BY THE COURT,

_____ J.