

BOROUGH OF PENBROOK AUTHORITY, DAUPHIN COUNTY, PENNSYLVANIA

RESOLUTION NO. 2022- 1

**A RESOLUTION OF THE BOROUGH OF PENBROOK AUTHORITY,
DAUPHIN COUNTY, PENNSYLVANIA
ESTABLISHING A REVISED AND RESTATED SCHEDULE OF REASONABLE
ATTORNEYS' FEES, OTHER CHARGES, EXPENSES AND COSTS RELATED TO
THE COLLECTION OF MUNICIPAL CLAIM ACCOUNTS AND IMPOSING THE
COST OF SUCH COLLECTION UPON THE DELINQUENT RESIDENT AS
PERMITTED**

WHEREAS, in a prior resolution, the Borough of Penbrook (the "Borough") established certain fees and costs involving municipal service charges and the collection of them. This Resolution shall amend and restate the schedule of fees and charges applicable to residents of the Borough for fees charged by the Authority, as permitted by applicable law.

WHEREAS, the Borough of Penbrook Authority (the "Authority") shall establish, by resolution, which resolution may be amended from time to time by the Authority, a schedule of attorneys' fees for use by attorneys working on the Authority's behalf to recover payments due and owing to the Borough of Penbrook Authority which may in the future or already have become municipal claims in accordance with the Act and in accordance with any and all appropriate Borough of Penbrook ordinances.

WHEREAS, the Authority has encountered considerable expense in collecting its delinquent municipal claims and assessment charges; and

WHEREAS, the Authority must reasonably provide services to those Borough residents who promptly pay their municipal charges; and

WHEREAS, the Authority deems it to be in the best interest of the citizens of the Borough to impose the cost of delinquent collections directly upon the delinquent resident; and

WHEREAS, this Resolution is enacted pursuant to the Municipal Authorities Act and the Municipal Claims and Tax Lien Law.

NOW, THEREFORE, BE IT SO RESOLVED BY BOROUGH OF PENBROOK AUTHORITY, as follows:

- 1) This Resolution shall be known as the Municipal Claim and Tax Collection

Resolution.

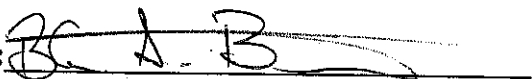
- 2) Hereinafter, for every delinquent claim, charge, tax, assessment, levy or obligation owed to the Borough of Penbrook Authority, there shall be added to such claim, charge, tax, assessment, levy or obligation such attorney's fees, charges, and expenses incurred in the collection process subsequent to proper notification to residents of the intent to impose attorney's fees on delinquent obligations. Such additional charges shall be collected in addition to such interest and penalties as are allowed by law. They shall further be collected in the same manner and with the full authority as other municipal claims of any nature and shall be deemed to be a municipal claim and collectable and lienable as such.
- 3) Such fees shall be reasonable and the same are hereby established in a fee rate as attached hereto and made a part hereof as Schedule "A". Said schedule of fees is hereby deemed to be reasonable, fair and necessary in order to allow the Authority to collect such sums due it. This schedule may be amended by Resolution.
- 4) Any person or entity empowered to collect sums on behalf of the Authority is directed to add such fees as are incurred to the extent allowed and set forth on Schedule "A". Such sums collected pursuant to this Resolution shall be in addition to any tax, penalty, interest, costs or fees already part of the delinquent account or assessment.
- 5) Attorney fees incurred to the extent set forth on Schedule "A" shall be added to all unpaid claims of any nature which become delinquent or are re-determined to be delinquent. Prior to the time when such fees are added to any underlying claim, the collector shall first give the resident such notice as required by law. The collector shall so notify the resident by sending such notice to the resident's last known address by mailing notices in the manner prescribed by the Act of the Pennsylvania General Assembly, known as Act 20 of 2003.
- 6) Any Resolution in conflict with this Resolution shall be deemed to have been repealed to the extent of the conflict. If any portion of this Resolution or Schedule is deemed to be illegal or unconstitutional, then it is the intent of the Authority that it would have enacted the balance of this Resolution and Schedule irrespective of said invalid portion.
- 7) This Resolution shall become effective immediately.

ADOPTED this 16TH day of FEBRUARY, 2022 by the Borough of Penbrook Authority.

ATTEST:


Secretary

BOROUGH OF PENBROOK AUTHORITY

By: 
President

SCHEDULE "A"

BOROUGH OF PENBROOK AUTHORITY FEE SCHEDULE RELATING TO THE COLLECTION OF DELINQUENT FEES:

I. Account Management:

- 1) Delinquent account servicing fee, including records imaging and detailed recordkeeping, office staffing, computer equipment and software, office space, telephone, printing and imaging equipment, and supplies used to generate delinquent notices and to establish monthly payment plan—10% of tax/municipal claim, penalty and interest due.

II. Civil Litigation Fees:

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| 1) Prepare District Judge complaint. | \$75.00 |
| 2) Preparation of District Judge Hearing | \$150.00 |
| 3) Docketed District Judge hearing. | \$100.00 |
| 4) Prepare Arbitration complaint. | \$150.00 |
| 5) Prepare General Docket Proceeding. | \$375.00 |
| 6) Trial, arbitration or mediation. | \$350.00 |
| 7) Negotiate and prepare subsequent payment plan agreement. | \$150.00 |
| 8) Enter default judgment. | \$225.00 |

III. Miscellaneous:

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| 1) Partial payment fee – where payment received does not pay account in full. | \$3.00 |
| 2) Fee for check returned from bank (NSF, Acct. Closed, etc). | \$29.00 |

IV. Legal Fees:

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| 1. Research and obtain current deed and mailing address for owner(s) of property in an effort to commence collection efforts against such owner(s). | \$60.00 |
| 2. Collection letter to a single owner of a property. The collection letter fee plus the cost for postage will be assessed to an owner(s) of property for each occurrence of a delinquency for which a collection letter was sent to the owner(s). | \$120.00
plus all costs
for postage |

3. If a property is owned by more than one (1) owner, the owners will be assessed the fees for obtaining the deed to the property, the fee for the first collection letter and \$50.00 for each additional collection letter sent to every record owner, plus all the costs for postage relating thereto.	\$50.00 for each additional collection letter, plus all costs for postage
4. 10 Day Notice letter(s) – This Notice will be sent to each owner who does not claim the collection letter sent via certified return receipt requested mail.	\$60.00 per Notice
5. Drafting and filing of Municipal Lien.	\$350.00 plus filing costs
6. Notice letter to owner(s) regarding receipt of permission to execute by the Authority.	\$100.00
7. Title Search.	\$285.00
8. Preparation of Execution Documents.	\$900.00
<p>The customer's account will be assessed all filing costs as imposed by the Dauphin County Prothonotary's Office and Sheriff's Office related to filing of execution documents at the applicable rate of the time of the filing. As of the date of this Resolution, the filing fee for a Praecipe for Writ of Execution is \$44.25 and the Sheriff's advance fee is \$2,000.00. The costs and fees incurred for filing and service of the execution documents may be subject to change from time to time and vary upon case to case. The fees may be subject to additional charges associated with e-filing of documents.</p>	
9. Attorney attendance at Sheriff's Sale.	\$300.00
10. Satisfaction of Municipal Claim.	\$125.00
11. Payoff letter which provides the owner(s) 30 days to remit payment prior to resuming collection efforts and includes an itemized statement	\$150.00
12. Demand letter to owner(s) advising they must resume payments immediately – per letter.	\$100.00
13. Notice letter demanding owner(s) to make good on check – per letter and costs for postage.	\$75.00 plus postage
14. Attorneys' fee to file Criminal Complaint for non-sufficient funds check.	\$100.00
15. Attorneys' fees to provided owner(s) with a replacement copy of Praecipe to Remove after case has been settled.	\$50.00
16. Legal services that are rendered which are not specified above are based on the actual time and labor involved at CGA Law Firm's standard hourly rates. The hourly rates vary depending on the training and expertise of the person performing the work, which may change from time to time. In addition, all fees and expenses actually incurred	Standard hourly rates plus any expenses incurred

such as postage, photocopies, constable fees, filing costs, and telephone charges shall be reimbursed. The fees may be subject to additional charges associated with e-filing of documents.