

BUSINESS OF THE COURTS

IN THE COURT OF COMMON PLEAS
OF THE 26TH JUDICIAL DISTRICT
COLUMBIA AND MONTOUR COUNTY
BRANCH, PENNSYLVANIA

CASE NO: 2020-MV-1

ORDER OF COURT

FILED
PROTHONOTARY
2020 SEP -2 P 3:46
CLERK OF COURT
COLUMBIA COUNTY

AND NOW, this 2^d day of September, 2020, it is hereby **ORDERED AND DIRECTED** that L.R. 1920.42, 1920.51 and 1920.55-2 (Divorce and Special Master Rules), and L.R. 2.9 (Orphans Court Accounts, Proposed Decree for Distribution) are adopted for use in the 26th Judicial District's Local Rules of Judicial Administration, Columbia and Montour Counties.

Said Rules shall become effective 30 days after publication in the Pennsylvania Bulletin.

The 26th Judicial District Court Administrator is Ordered and Directed to do the following:

- 1) File one (1) copy with the Administrative Office of Pennsylvania Courts via email to adminrules@pacourts.us.
- 2) Forward two (2) paper copies and one (1) electronic copy in the Microsoft Word format to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin.
- 3) Publish the local rules on the court's website to be incorporated into the set of local rules on the website within 30 days after the publication of the local rules in the Pennsylvania Bulletin.
- 4) File one (1) copy of the local rules in the appropriate filing offices for public inspection and copying.

BY THE COURT



COLUMBIA AND MOUNTOUR COUNTIES

LOCAL RULES

Divorce and Orphans' Court

July 2020

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DIVORCE SPECIAL MASTER RULES

L.R.1920.42. Affidavit and Decree under 3301(c) or 3301(d)

(a) If related claims are resolved by means of a written agreement between the parties, a copy of the agreement may be attached to the *praecipe* to transmit record along with an appropriate proposed decree. If related claims are pending, the attached proposed decree shall contain a provision reserving the court's jurisdiction over the unresolved issues.

(b) Any party filing a request for entry of a decree in divorce shall pay, in addition to all other fees, an administrative review fee as set by the Court or the court has granted leave to proceed in *forma pauperis*.

L.R. 1920.51. Appointment of Master. Preliminary Conference. Payment of Master's Fees

(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. 1920.74. The moving party shall pay a sum of money to the Prothonotary at the time the motion is filed, which sum shall be set from time to time by order of court, as security for payment of master's fees and costs. Such sum shall be applied to payment for the master and court reporter's services.

(b) The divorce master may estimate the time required for each master's hearing, and may, in his or her discretion, require the additional deposit of reasonable sums for court reporter's and master's fees.

(c) The master shall schedule a preliminary conference immediately after the order of appointment has been filed and promptly schedule a hearing and give notice to all parties or their counsel of record. A preliminary conference shall occur within forty-five (45) days of the date of appointment, and it shall be attended by the parties and their counsel in an effort to resolve the issues in dispute without further litigation. At the preliminary conference, the parties shall exchange memoranda reflecting their perceptions and positions on the issues, and provide the

master a copy of same. If a party fails to appear personally or through counsel at the preliminary conference, the costs of the conference shall be assessed against such party in any ultimate equitable distribution award recommended by the master.

(1) After payment to the prothonotary of any additional money due 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 has been paid.

(2) The Prothonotary shall pay the master's fee and costs from the funds paid by the parties, upon approval of the court.

(3) Before the time of the pre-hearing conference, each party shall file a complete Inventory pursuant to Pa.R.C.P. No. 1920.33.

L.R.1920.55-2. Exceptions to Master's Report

(a) A party who files exceptions to a master's report pursuant to Pa. R.C.P. 1920.55-2 (b) shall order, pay for, and file a transcript of the hearing conducted by the master.

(b) If exceptions are filed, the Prothonotary shall promptly forward the exceptions to the court administrator's office for assignment to the judge.

(c) Upon filing of the exceptions in all divorce or annulment actions, the recommended order shall be entered as a temporary order as to those issues and the exceptions shall not act as a stay pending resolution of the exception.

**ORPHANS COURT: ACCOUNT, OBJECTIONS AND
DISTRIBUTIONS.**

L.R. 2.9. Confirmation of Accounts. Proposed Decree for Distribution

(a) Accounts. Confirmation of Accounts shall be set by Administrative Order as part of the Annual Court Calendar, unless otherwise directed by the court.

(b) Proposed Decree of Distribution. At the time of filing the Account and Petition for Adjudication/Statement of Proposed Distribution, there shall also be filed a proposed decree to be issued by the court confirming or approving the Account. Said decree shall include the names of those to whom the balance available for distribution is awarded and the amount or share awarded to each.