

**BOROUGH OF AVALON**

**RESOLUTION NO. 952**

**A RESOLUTION OF THE BOROUGH OF AVALON, ALLEGHENY COUNTY, PENNSYLVANIA, ADOPTED PURSUANT TO ACT NO. 1 OF 1996, 53 P.S. § 7106(a.1), ADOPTING A SCHEDULE OF ATTORNEY FEES TO BE IMPOSED OR ASSESSED IN THE COLLECTION OF DELINQUENT ACCOUNTS FOR UNDERTAKING THE COLLECTION AND REPRESENTATION OF THE BOROUGH FOR CLAIMS UNDER THE MUNICIPAL CLAIM AND TAX LIEN LAW; REPEALING ALL INCONSISTENT RESOLUTIONS.**

WHEREAS, on February 7, 1996, the General Assembly of the Commonwealth of Pennsylvania enacted Act No. 1 of 1996, 53 P.S. § 7106(a.1), authorizing the Borough of Avalon to adopt a Schedule of Attorney Fees to be assessed or imposed on the collection of delinquent accounts; and

WHEREAS, the Council of the Borough of Avalon, after careful review, now desires to adopt a Schedule of Attorney Fees and deems the following Schedule of Attorney Fees to be usual, customary and reasonable for the collection of delinquent municipal accounts.

NOW, THEREFORE, IT IS RESOLVED BY BOROUGH COUNCIL OF THE BOROUGH OF AVALON AND IT IS HEREBY RESOLVED WITH THE AUTHORITY OF THE SAME THAT:

1. The Schedule of Attorney Fees attached hereto and made a part hereof as Exhibit "A," is hereby adopted.

2. At least thirty (30) days prior to assessing or imposing attorney fees in connection with the collection of delinquent accounts, the Borough shall, by United States certified mail, return receipt requested, postage prepaid, mail to the owner, the notice required by this Resolution.

3. If within thirty (30) days of mailing the notice, the certified mail is refused or unclaimed or the return receipt is not received, then at least ten (10) days prior to assessing or imposing attorney fees in connection with the collection of a delinquent account, the Borough shall, by United States first class mail, mail to the owner the notice required by this Resolution.

4. The notice required by this Resolution shall be mailed to the owner's last known post office address by virtue of the knowledge and information possessed by the Borough and by the county office responsible for assessments and revisions of taxes. It shall be the duty of the municipality to determine the owner's last post office address known to said collector and county assessment office.

5. The notice shall include the following:

- (a) A statement of the Borough's intent to impose or assess attorney fees within thirty (30) days of mailing the notice pursuant to the authority granted in Section 2 of this Resolution and 53 P.S. § 7106(a.1), or within ten (10) days of the mailing of the notice pursuant to Section 3 of this Resolution and 53 P.S. § 7106(a.1).

(b) The manner in which the imposition or assessment of attorney

fees may be avoided by payment of the delinquent account.

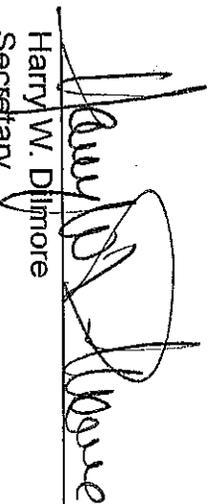
6. Any Resolution or part of a Resolution conflicting herewith be and the same is hereby repealed insofar as they conflict herewith.

7. This Resolution shall be effective immediately.

**ADOPTED this 21<sup>st</sup> day of August, 2001.**

ATTEST:

BOROUGH OF AVALON

  
Harry W. Dilmore  
Secretary

BY   
John Hahn  
President

SEAL

THIS RESOLUTION examined and approved by me  
this 21<sup>st</sup> day of August, 2001.

  
Mayor Daniel K. Bricmont, Esquire

**SCHEDULE OF ATTORNEY FEES TO BE IMPOSED OR ASSESSED  
IN THE COLLECTION OF DELINQUENT ACCOUNTS  
FOR UNDERTAKING THE COLLECTION AND REPRESENTATION OF THE BOROUGH  
FOR CLAIMS UNDER THE MUNICIPAL CLAIM AND TAX LIEN LAW  
PURSUANT TO RESOLUTION NO. 952**

Attorney fees to be imposed or assessed shall be based upon the time spent by attorneys who perform municipal services for undertaking the collection and representation of the Borough. The hourly rates are based upon their expertise and experience and the rates charged for the collection and representation of the Borough for claims under the Municipal Claim and Tax Lien Law shall be those rates charged the Borough of Avalon for other municipal matters, approved by Council and which shall be periodically reviewed and adjusted. The owner shall also be billed for disbursements and other charges relating to the attorney services rendered including filing fees and internally-generated charges as photocopying and facsimile transmissions. The Borough herein establishes the following minimum schedule of legal fees:

1.	Open file and send demand letter	\$135.00
2.	Prepare and file lien and send 2 <sup>nd</sup> letter	\$150.00
3.	Prepare and file Writ of Scire Facies	\$125.00
4.	Re-Issue Writ	\$35.00
5.	Prepare and mail correspondence pursuant to Pa.R.C.P. § 237.1	\$25.00
6.	Prepare and file Writ of Execution for Sheriff Sale With Sale	\$600.00 \$400.00
7.	Title Search	\$250.00
8.	Preparation of payoff letter	\$50.00
9.	Preparation of Praecipe to Satisfy and filing Satisfaction of Lien	\$75.00