

**BREAKNECK CREEK REGIONAL AUTHORITY
RESOLUTION No. 2019-3**

**A RESOLUTION OF BREAKNECK CREEK REGIONAL AUTHORITY, PURSUANT TO ACT 1 OF 1996, 53 P.S. §§ 7601
(a) ET SEQ., AS AMENDED, ADOPTING A SCHEDULE OF ATTORNEYS' FEES IN CONNECTION WITH THE
COLLECTION OF DELINQUENT SEWAGE CHARGES**

WHEREAS, Breakneck Creek Regional Authority is required from time to time to enforce collection of delinquent sewage accounts; and,

WHEREAS, the expense of such enforcement and the record keeping and other services related to the collection, filing, satisfaction, assignment and revival of municipal liens when absorbed by Breakneck Creek Regional Authority would constitute a further demand on the Authority's resources; and,

WHEREAS, Act 1 of 1996 amends the Municipal Claim and Lien Law (hereinafter the "Act"), Act of May 16, 1923, PL 207, 33 as amended, 53 P.S. Section 7106, to permit Municipalities and Authorities as defined under the Act, or their assigns, to recover reasonable attorney fees in connection with the collection of Municipal claims as defined under the Act from the persons and property owing such claims; and,

WHEREAS, the Act requires that the Authority involved must approve by Resolution a schedule of reasonable attorney fees; and,

WHEREAS, the Authority desires to exercise such legal authority in order to encourage timely payment of sewer charges; and,

WHEREAS, the Authority has determined that it is in the best interest of all ratepayers and other residents to have vigorous enforcement of all delinquent charges, utilizing the procedures set forth in the Act, except in the case of serious hardship, which the Authority will address on a case-by-case basis pursuant to uniform policies; and,

WHEREAS, the Authority has reviewed the subject of attorney fees for collection matters and has determined that the fees set forth in this schedule hereby adopted are reasonable in amount for the services herein described.

NOW, THEREFORE, Be It Resolved, and It Is Hereby Resolved as follows:

- A. Breakneck Creek Regional Authority hereby approves the following schedule of attorney fees for services in connection with the collection of accounts, which is hereby determined to be fair and reasonable compensation for the services set forth below, all in accordance with the principals set forth in Section 3 of the Municipal Claims Law as added by Act No. 1 of 1996:

SCHEDULE OF FEES

Adopted November 26, 2019, by Resolution of the Breakneck Creek Regional Authority, pursuant to Act 1 of 1996, 53 PS Section 7106, for collection actions on delinquent account actions effective January 1, 2020.

(All filing fees subject to change by Row offices.)

	<u>Legal Services</u>	<u>Fee For Services</u>
1.	Certified mail and/or ordinary mail letter advising of collections procedures, fees and cost of collection.	\$ 50.00
2.	Attorney's fees for preparation of municipal claim, preparation of copies, filing claim, filing copy of claim, mailing copy of claim to Authority and to owners of property.	\$200.00
3.	Prothonotary's fee to file claim (subject to changes in the Schedule of Prothonotary's Fees) presently being.	As Billed By ROW Office
4.	Preparation of paper required to satisfy claim, signing same, and filing in Prothonotary's Office.	\$50.00
5.	Prothonotary's fee (subject to changes in the Scheduel of Prothonotary's Fees) for filing satisfaction of lien, discontinuance of lawsuit presently being.	As Billed By ROW Office
6.	Title search on properties.	\$250.00
7.	Updating title required to file papers and A.D. Docket in Prothonotary's Office, preparation to commencing Praeipce for Writ of Scire Facias Sewer Municipal Lien, updating title.	\$100.00
8.	Attorney's fees, preparation of Praeipce of Scire Facias Sewer Municipal Lien, preparation of instructions for Sheriff regarding service of Scire Facias and following time tables.	\$390.00

Legal Services

Fee For
Services

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| 9. | Attorney's fees, preparation of 10-day default notice required before taking judgement. | \$50.00 |
| 10. | Advanced costs, include all cost required of Prothonotary and Sheriff as filing fees. | As Billed By
ROW Office |
| 11. | Attorney's fees, preparation of paper for taking judgement against property owners and filing same with Prothonotary together with mailing copies to land owners and Authority. | \$100.00 |
| 12. | Attorney's fees, preparation of description of property, Praecipe for Writ of Execution, instructions to Sheriff, causing advertisements in newspapers and Legal Journals, attendance at Sheriff's Sale, and like items. | \$500.00 |
| 13. | Filing costs for Praecipe for Writ of Execution in Prothonotary's Office, advertising costs in newspapers and Legal Journals, Sheriff's costs, and like items as stated by Prothonotary and Sheriff. | Per actual costs |
| 14. | All other matters on an hourly basis done by partners. | \$215.00/hour |
| 15. | All other matters on an hourly basis done by associates. | \$200.00/hour |
| 16. | Fractional hours to be a multiple of one-quarter (¼) hour. | |
| 17. | Attendance at the regular monthly meeting shall be billed at a minimum of one (1) hour's time. | |
- B. The amount of fees, determined as set forth above, shall be added to the Authority's claim in each account.
- C. This Resolution shall take effect on the date of enactment set forth below.
- D. If any sentence, clause, or section, or any part of this Resolution is found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, or sections or parts of this Resolution.
- E. Any Resolution or parts of Resolutions which are contrary to or conflict with the provisions of this Resolution are hereby repealed to the extent necessary to give this Resolution full force and effect.

RESOLVED AND ADOPTED this 26th day of November, 2019 at the regularly scheduled meeting of the Breakneck Creek Regional Authority Board of Directors with a quorum present and said provisions shall become effective January 1, 2020.

BREAKNECK CREEK REGIONAL AUTHORITY

By _____
Robert R. Gold, Chairman

ATTEST:

By _____
Colleen Himmelwright, Recording Secretary

(AUTHORITY SEAL)