

**NOTICE**

By Order dated November 6, 2000, Philadelphia Orphans' Court Rule 6.10.A and 7.1.A have been repealed and new rules governing the procedure in filing objections and exceptions have been adopted. The use of backers has been discontinued. The changes will become effective on December 4, 2000. The full text of the Order and revised Rules are published on page 17 of the Legal Intelligencer and on the First Judicial District's Website at: <http://courts.phila.gov>.

**November 6, 2000**

DATE:

ALEX BONAVITACOLA  
PRESIDENT JUDGE  
COURT OF COMMON PLEAS

**IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY  
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA**

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**PRESIDENT JUDGE ADMINISTRATIVE ORDER**

**No. 2000-03**

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**In re: Repeal and Amendment of Philadelphia Orphans' Court Rules**

AND NOW, this 6th day of November, 2000 in order to better utilize judicial resources and address problematic issues which have arisen concerning the proper administration of Orphans' Court matters, it is hereby ORDERED, ADJUDGED and DECREED that:

1. The use of backers is discontinued. The parties shall submit a case initiation cover sheet or motion cover sheet, as may be adopted by the Orphans' Court Division from time to time, together with the pleading;
2. Current Philadelphia Orphans' Court Rule No. 6.10.A is repealed, and is replaced in its entirety by the attached Philadelphia Orphans' Court Rule (6.10.A); and
3. Current Philadelphia Orphans' Court Rule No. 7.10.A is repealed, and is replaced in its entirety by the attached Philadelphia Orphans' Court Rule (7.10.A).

This Administrative Order is promulgated in accordance with Pa.O.C.R.No. 1.2, and in accordance with the April 11, 1996 Order of the Supreme Court of Pennsylvania Eastern District, No.55 and Judicial Administration, Docket No. 1, and shall become effective December 4, 2000. The original shall be filed with the Prothonotary in a docket maintained for Administrative Orders issued by the President Judge of the Court of Common Pleas, as well as the Clerk of the Orphans' Court Division, and copies shall be submitted to the Administrative Office of Pennsylvania Courts, the Legislative Reference Bureau and the Supreme Court's Orphans' Court and Appellate Court Procedural Rules Committees. Copies of the Regulation shall also be submitted to American Lawyer Media, *The Legal Intelligencer*, Jenkins Memorial Library and the Law Library for the First Judicial District.

**ALEX BONAVITACOLA  
PRESIDENT JUDGE  
COURT OF COMMON PLEAS  
OF PHILADELPHIA COUNTY**

### **Philadelphia Orphans' Court Rule 6.10.A Objections**

Written objections to an account or statement of proposed distribution shall be filed with the Clerk of the Orphans' Court the later of twenty (20) days after service of the account or statement of proposed distribution on the objectant, or within twenty (20) days after the date the account is first called for audit.

*Effective date: December 4, 2000*

### **Philadelphia Orphans' Court Rule 7.1.A. Exceptions**

**(a) Exceptions.** Exceptions shall be the exclusive procedure for review of an order, decree or adjudication, except as provided in subsection (c) hereunder. No motions for reconsideration may be filed.

**(b) Form.** Exceptions shall be in writing, numbered consecutively, and signed by the exceptant or the exceptant's attorney. Each exception shall:

- (1) be specific as to description and amount;
- (2) in no event raise questions which could have been raised previously by claim or objection;
- (3) raise but one issue of law or fact, but if there are several exceptions relating to the same issue of law or fact, all such exceptions shall be included in one exception; and
- (4) set forth briefly the reason or reasons in support of the exception.

**(c) Orders Appointing Guardians for Minors and Incapacitated Persons.** No exceptions or petitions for reconsideration shall be filed to any order appointing guardians for minors and incapacitated persons. Orders appointing guardians for minors and incapacitated persons shall be appealable to the Superior Court.

**(d) Time for Filing Exceptions.** No later than twenty (20) days after entry of an order, decree or adjudication a party may file exceptions with the Clerk of Orphans' Court to any order, decree or adjudication which would become a final appealable order under Pa.R.A.P. 341(b) or 342 following disposition of the exceptions. If exceptions are filed, no appeal shall be filed until the disposition of exceptions. Failure to file exceptions shall result in waiver of grounds for appeal.

**(e) Time for Filing Cross-Exceptions.** If a party files timely exceptions, any other party may file cross exceptions within ten (10) days after the later of filing of exceptions or service of a copy of the exceptions on the party.

**(f) Time Limits for Decision on Exceptions.** The judge who issued the order, decree or adjudication to which exceptions have been filed shall decide the exceptions, including supplemental exceptions and cross exceptions, within one hundred and twenty (120) days of the filing of the initial exceptions. The said judge shall issue a scheduling order setting forth, inter alia, appropriate deadlines for the transcription of testimony and the filing of briefs or memoranda of law, if any. If the said judge fails to decide the exceptions within one hundred and twenty (120) days, the exceptions shall be deemed denied by operation of law on the one hundred and twenty first (121st) day and the Clerk shall enter without further request by the Court or any party the deemed denial on the docket as of that date and shall give notice of the entry to the Court and all parties of record. The appeal period shall begin to run from the date of entry of denial of the exceptions or the denial of the exceptions by operation of law as set forth above.

**(g) Transcript of Testimony.** All exceptions shall contain a request designating a portion of the record to be transcribed in order to enable the court to dispose of the exceptions. Within ten days after the filing of the exceptions, any other party may file an objection requesting that an additional, lesser or different portion of the record be transcribed. If no portion is indicated, the transcription of the record shall be deemed unnecessary to the disposition of the exceptions. The trial judge shall promptly decide the objection to the portion of the record to be transcribed. The transcript shall be prepared, and the official court reporter shall be paid, as provided in Pa.R.J.A. No. 5000.1 et seq.

**(h) Amendatory Provision.** Phila. O.C. Rule 1.2.B., 7.1.A. and 7.1.B. are rescinded. The use of en banc panels of the Orphans' Court Division is discontinued.

*Effective Date: December 4, 2000*