

**RESOLUTION NO. 2025-12**

**A RESOLUTION OF THE UPPER MONTGOMERY JOINT AUTHORITY,  
MONTGOMERY COUNTY, PENNSYLVANIA,  
ADOPTING A SCHEDULE OF ATTORNEY'S FEES IN CONNECTION  
WITH THE COLLECTION OF DELINQUENT SEWER CHARGES  
PURSUANT TO ACT NO. 1 OF 1996, AS AMENDED**

**WHEREAS**, the Upper Montgomery Joint Authority (hereinafter referred to as the "Authority") is a municipal authority organized and existing under the Pennsylvania Municipality Authorities Act of 1945, as amended and supplemented (the "Authorities Act"); and

**WHEREAS**, the Upper Montgomery Joint Authority (the "Authority") is required, from time to time, to enforce collection of delinquent sewer 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 the Authority would constitute a further demand on the Authority's resources; and,

**WHEREAS**, Act No. 1 of 1996 amends the Municipal Claim and Lien Law of May 16, 1923, P.L. 207, 33, as amended, 53 P.S. § 7106, (hereinafter the "Act") to permit municipalities, as defined under the Act, or their assigns, to recover reasonable attorney's 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 must approve, by Resolution, a Schedule of reasonable attorney's 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 interests of all rate payers and other residents to have vigorous enforcement of all delinquent charges, utilizing the procedure 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 the uniform policies; and,

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

**NOW, THEREFORE, BE IT RESOLVED AND IT IS HEREBY RESOLVED**, as follows:

1. **Schedule of Fees**

(a) The Authority hereby approves the following Schedule of attorney's fees for services in connection with the collection of delinquent sewer accounts, which Schedule is hereby determined to be fair and reasonable compensation for the services set forth below, all in accordance with the principles set forth in Section 3 of the Municipal Claims Law, as amended by Act No. 1 of 1996:

<b><u>Legal Services</u></b>	<b><u>Fee for Services</u></b>
Initial Review, prepare and sending of Demand Letter	\$90.00
Prepare, file, and satisfy lien in Prothonotary's Office	\$275.00
Serve filed Municipal lien on customer and prepare and file Affidavit of Service with Prothonotary's Office	\$90.00
Reinstate and serve Reinstated Lien	\$90.00
Prepare and file Writ of Scire Facias with Prothonotary	\$950.00
Reinstate & serve Re-Issued Writ of Scire Facias	\$90.00
Prepare Motion for Alternate Service	\$350.00

Prepare 10 day Notice & Default Judgment	\$250.00
Prepare and file Writ of Execution	\$450.00
Prepare Sheriff's Package for Sale of property	\$950.00
Attend Sheriff's Sale, Review Schedule of Distribution	\$950.00
Prepare & File Petition to Re-access Damages	\$450.00
Prepare & File Civil Complaint with District Justice	\$350.00
Attend and Represent UMJA at District Justice Hearing	\$350.00
Prepare and file Notice of Executions; Notice to Defendant	\$90.00
Prepare Re-Payment Agreement	\$350.00
Services Not Covered Above:	Current          non-municipal Hourly Rate    of Authority Solicitor.

(b) In addition to the above amounts, the Authority shall add filing fees and court costs charged by the Montgomery County and the Montgomery County Prothonotary's Office.

(c) There shall be added to the above amounts the reasonable out-of-pocket expenses of counsel including but not limited to, overnight delivery, mail costs and other fees expended in connection with each of these services, as itemized in the applicable counsel bills, which shall be deemed to be part of the fees.

(d) The amount of fees determined as set forth above shall be added to the Authority's claim in each account.

2. **Collection Procedures.** The following collection procedures are hereby established in accordance with Act No. 1 of 1996:

(a) At least thirty (30) days prior to assessing or imposing attorney's fees in connection with the collection of an account, the Authority shall mail, or cause to be mailed, by certified mail, return receipt requested, a notice of such intention to the rate payer or other entity liable for the account (the "Account Debtor").

(b) If the certified mail notice is undelivered, then, at least ten (10) days prior to the assessing or imposing such attorney's fees, the Authority shall mail, or cause to be mailed, by first class mail, a second notice to such Account Debtor.

(c) All notices required by this Resolution shall be mailed to the Account Debtor's last known post office address as recorded in the records or other information of the Authority, or such other address as it may be able to obtain from the County Office of Assessment and Revision of Taxes.

(d) Each notice as described above shall include the following:

(1) The type of claim or other charge, the date it became due, and the amount owed, including penalty and interest;

(2) A statement of the Authority's intent to impose or assess attorney's fees within thirty (30) days after the mailing of the first notice, or within ten (10) days after the mailing of the second notice;

(3) The manner in which the assessment or imposition of attorney's fees may be avoided by payment of the account; and,

(4) The place of payment for accounts and the name and telephone number of the Authority representative designated as responsible for collection matters.

3. **Related Action.** The proper officials of the Authority are hereby authorized and empowered to take such additional action as they may deem necessary or appropriate to implement this Resolution.

**SECTION 2.** This Resolution shall become effective on May 1, 2025.

**SECTION 3.** If any sentence, clause, 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, sections, or parts of this Resolution.

**SECTION 4.** 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 8<sup>th</sup> day of April 2025.

UPPER MONTGOMERY JOINT AUTHORITY

By:   
(Vice) Chair

Attest:   
Donna Paul, Secretary