

RESOLUTION NO. 36-98

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Resolution of the West Mifflin Sanitary Sewer Municipal Authority, Allegheny County, Pennsylvania, adopting a schedule of attorney's fees in connection with the collection of delinquent sewage charges pursuant to Act I of 1996.

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WHEREAS, the West Mifflin Sanitary Sewer Municipal Authority is required from time to time to enforce collection of delinquent sewage accounts; and

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WHEREAS, the expense of such enforcement and the recordkeeping and other services related to the collection, filing, satisfaction, assignment and revival of real estate tax liens when absorbed by the West Mifflin Sanitary Sewer Municipal Authority would constitute a further demand on the Authority's resources; and

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WHEREAS, Act I 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. §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

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

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

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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 cases of serious hardship, which the Authority will address on a case by case basis pursuant to uniform policies; and

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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.

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NOW THEREFORE, be it resolved and it is hereby resolved as follows:

<![if !supportLists]>1. <![endif]>SCHEDULE OF FEES

<![if !supportLists]>(a) <![endif]>The 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:

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LEGAL SERVICES

FEE FOR SERVICES

Filing of lien \$150.00

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Title search \$250.00

Preparation and Service of

Writ of Scire Facias \$400.00

Required additional notice

and presentation of related

Motions regarding Federal

tax liens, judgments and

mortgages \$150.00

Alternative service of legal

pleadings \$250.00

Entry of Judgment \$150.00

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Preparation of Writ of

Execution and attend

initial Sheriff sale \$750.00

Preparation of documents

and attendance at second

Sheriff sale \$600.00

Review schedule of distribution

and resolve distribution issues \$250.00

Installment payment agreement

at taxpayer's request \$100.00

Services not covered above \$150.00/hr. - attorney

\$ 75.00/hr. - paralegals

\$ 50.00/hr. – law clerks

- (b) There shall be added to the above amounts the reasonable out-of-pocket expenses of counsel in connection with each of these services, including Sheriff's and Prothonotary's costs.

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<![if !supportLists]>(b) <![endif]>The amount of fees determined as set forth above shall be added to the Authority's claim in each account.

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<![if !supportLists]>2. <![endif]>This Resolution shall take effect on the date of enactment set forth below.

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<![if !supportLists]>3. <![endif]>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.

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<![if !supportLists]>4. <![endif]>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.

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Resolved this 3rd day of December 1998.

ATTEST:

Cynthia A. Sullivan, Chairman

Michael Price, Secretary

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