

**IN THE  
SUPREME COURT OF PENNSYLVANIA**

<b>IN RE: Rescission of Rule of</b>	<b>:</b>	<b>NO. 350</b>
<b>Civil Procedure 1503 Governing</b>	<b>:</b>	<b>CIVIL PROCEDURAL RULES</b>
<b>Venue in Actions in Equity and</b>	<b>:</b>	<b>DOCKET NO. 5</b>
<b>Promulgation of New Rule 1503</b>		

**ORDER**

**PER CURIAM:**

**AND NOW**, this 19<sup>th</sup> day of January, 2001, Pennsylvania Rule of Civil Procedure 1503 is rescinded and new Rule 1503 is promulgated to read as attached hereto.

This order shall be processed in accordance with Pa.R.J.A. 103(b) and shall be effective July 1, 2001.

### **Rule 1503. Venue**

An action may be brought in any county in which a civil action may be brought or, if the subject matter of the action is property, in the county in which the property is located.

NOTE: See Rule 1006 governing venue in a civil action.

### **Explanatory Comment**

Rule 1503 governing venue in an action in equity has been rescinded and new Rule 1503 has been promulgated. The new rule provides for an action in equity to be brought in any county in which a civil action may be brought or, if property is involved, in the county in which the property is located.

By its simplicity, the new rule contains several changes from the former rule:

First, former Rule 1503(a)(1) required the action to be brought in a county in which the defendant or a principal defendant may be served. The new rule broadens this provision to include all counties of venue under Rule 1006, including the cause of action county and the transaction or occurrence county. Also, the reference to a "principal defendant" has been deleted. If venue is based upon the presence of a defendant in the forum county, the presence of any defendant is sufficient to create venue as to all defendants. The doctrine of *forum non conveniens* is available for venue which may be inappropriate.

Second, former Rule 1503(a) contained a clause relating to the effect of a judgment or decree as personally binding. This language has been deleted as it did not pertain to venue and, in addition, stated an outmoded principle of law.

Third, former Rule 1503(b) and (c) relating to venue in actions by or against the Commonwealth, its agencies, instrumentalities and officers have not been retained. Venue in actions against the Commonwealth in the courts of common pleas is governed by Rule 2103(a) which provides for an action to be brought in “any county permitted by a rule of the Supreme Court.”

Finally, former Rule 1503(d) relating to the administration of a trust or the removal of a trustee has not been carried over to the new rule because as stated it was not a matter of venue but, rather, one of jurisdiction. Further, matters relating to trusts are within the jurisdiction of the orphans' court division of the court of common pleas, which is governed by its own rules of procedure. However, should such matters come within the scope of these rules, no special procedures are required as new Rule 1503 will suffice.

By the Civil Procedural  
Rules Committee

Rea Boylan Thomas  
Chair