

IN THE
SUPREME COURT OF PENNSYLVANIA

IN RE: Miscellaneous : No. 267
Technical Amendments to : Civil Procedural Rules
Notes and Comments to Rules : Docket No. 5

O R D E R

PER CURIAM:

AND NOW, this 5th day of December, 1996, the notes to Rules of Civil Procedure 227.1(c) and 1557 and Footnote 2 of the Explanatory Comment to Rules 1038.1 and 1038.2 are amended to read as attached hereto.

Whereas publication of proposed rulemaking would otherwise be required, it has been determined under Rule of Judicial Administration 103(a)(3) that the amendments are of a perfunctory nature and that the immediate promulgation of this Order is required in the interest of justice and efficient administration.

This Order shall be processed in accordance with Pa.R.J.A. 103(b) and shall be effective immediately.

NOTE:

Underscored material is added.
Bracketed material is deleted.

I. The notes to Rules of Civil Procedure 227.1(c) and 1557 are amended to read as follows:

Rule 227.1. Post-Trial Relief

...
(c) ...

NOTE: ...
[A motion for post-trial relief may
not be filed in a case stated.]

...

...

Rule 1557. Order Directing Partition. Post-Trial Relief

...

NOTE: Pennsylvania Rule of Appellate Procedure [311(a)(6)] 311(a)(7) provides that an appeal may be taken as of right from an order directing partition.

...

II. Footnote 2 to the Explanatory Comment to Rules 1038.1 and 1038.2 is amended to read:

2. See the [dissenting] concurring opinion in *McCarron v. Upper Gwynedd Township et al.*, 139 Pa. Cmwlth. Ct. 528, 591 A.2d 1151, 1159 (1990).

EXPLANATORY COMMENT

The note to Rule 227.1(c) has been amended by deleting the second paragraph referring to a case stated. This amendment was required by the abolition of the case stated by Rule 1038.2.

The note to Rule 1557 has been amended to reflect the 1996 amendment of Pennsylvania Rule of Appellate Procedure 311 which renumbered the subparagraph providing for an appeal as of right from an order directing partition.

The amendments are technical in nature and do not affect practice or procedure.

**BY THE CIVIL PROCEDURAL
RULES COMMITTEE**

**EDWIN L. KLETT
CHAIRMAN**