

IN THE  
SUPREME COURT OF PENNSYLVANIA

IN RE: Technical Amendment : No. 278  
of Rule of Civil Procedure : Civil Procedural Rules  
3201 et seq. : Docket No. 5

O R D E R

**PER CURIAM:**

AND NOW, this 8th day of April, 1997, the Pennsylvania Rules of Civil Procedure are amended as follows:

1. Rules 3215, 3231(33) and (35), 3234, 3241(80) and 3246 are rescinded.

2. Rules 3201, 3202, 3205, 3206, 3207, 3208, and 3213 are amended 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, 1997.

**NOTE:**

Underscored material is added.  
Bracketed material is deleted.

**SHERIFF'S INTERPLEADER**

**Rule 3201. Scope**

These rules govern the procedure in sheriff's interpleader [under the Act of June 22, 1931, P.L. 883, 12 P.S. § 2358, et seq.,] when tangible personal property levied upon pursuant to a writ of execution is claimed to be the property of a person other than the defendant in the execution.

NOTE:       ...

**Rule 3202. Property claim**

(a) ...

(b) The claim shall be signed by the claimant or some one on [his] the claimant's behalf, and shall set forth

(1) a list of the property claimed sufficient to identify it;

(2) an estimate of the value of the property;

(3) a statement of the source of the claimant's ownership of the property.

**Rule 3205. Appraisal of Property. Appraisal Fees**

...

(b) A party requesting an appraisal shall advance the sheriff's appraisal fee. The sheriff shall then appraise the property and immediately give notice of the amount of [his] the appraisal by ordinary mail to all parties to whom the sheriff's notice was mailed. The sheriff or any party in interest may apply to the court for an order fixing a special appraisal fee where the appraisal of a large quantity of property or the services of experts shall be required.

**NOTE:** The Sheriff's Fee [Bills] Act remains unaffected by these rules. See [Act of May 9, 1949, P.L. 927, as last amended June 14, 1961, P.L. 350, 16 P.S. § 11301, et seq.; Act of June 1, 1933, P.L. 1141, 16 P.S. § 7861 et seq.] Act of July 6, 1984, P.L. 614, No. 127, 42 P.S. § 21101 et seq.

**Rule 3206. Sheriff's Determination in Favor of Claimant.  
Objections. Amount of Bond. Delivery of Property.  
Interpleader**

(a) If the sheriff determines that the claimant is prima facie the owner of the property in whole or in part, [he] the sheriff shall file in the prothonotary's office the claim, [his] the determination of ownership including the valuation of the property, and shall send by ordinary mail copies of the determination and valuation to the claimant, the plaintiff, the

defendant, and all other execution creditors and claimants of the property.

...

(d) Upon abandonment of the levy, the sheriff shall return the claimed property to the person from whom it was taken. If the claimed property was found in the possession of a person other than the claimant, the sheriff shall, before returning it, give forty-eight [(48)] hours notice to the claimant of the abandonment of the levy and [his] the intention to return the property to a person other than the claimant.

...

**Rule 3207. Sheriff's Determination Against Claimant.  
Objection. Amount of Bond. Delivery of  
Property. Interpleader**

(a) If the sheriff determines that the claimant is prima facie not the owner of the property in whole or in part, [he] the sheriff shall file in the prothonotary's office the claim, [his] the determination of ownership including the valuation of the property, and shall send by ordinary mail copies of the determination and valuation to the claimant, the plaintiff, the defendant, and all other execution creditors and claimants of the property.

...

(d) If the claimant files [his] an objection with bond in a sum double the valuation of the property as determined by the sheriff or double the amount due under all writs of execution against the defendant on which the sheriff has levied, whichever is smaller, the sheriff unless otherwise ordered by the court shall withdraw all levies on the claimed property. Upon payment by the claimant of the sheriff's costs, if any, for keeping and transporting the property, the sheriff shall deliver it to the person from whom it was taken, provided that, if the property was taken from a person other than the claimant and the claimant desires possession thereof, the sheriff shall deliver it to the claimant if [he] the claimant elects to file a bond in double the valuation of the property.

Note: As to possession in the case of two or more claimants, see Rule 3210.

(e) If the claimant files [his] an objection without bond the property shall remain subject to the levy and shall be sold in execution, unless otherwise ordered by the court. The proceeds shall be retained by the sheriff or paid into court until the determination of the interpleader.

...

**Rule 3208. Bond. More Than One Execution**

(a) The bond shall name the Commonwealth of Pennsylvania as obligee, with security approved by the prothonotary, and shall be conditioned that claimant shall maintain [his] the claim to the property or pay its value to the persons entitled thereto with costs.

(b) The claimant may file [his own] a bond without security and without order of court as to household goods and furnishings levied on by the sheriff in the household of the claimant. The court may, upon petition of the claimant and after notice and hearing, permit the filing of the claimant's own bond without security as to any other property levied on by the sheriff.

(c) [If the] A claimant who files a bond in double the valuation of the property [he] shall not be required during the pendency of the interpleader proceedings to file another bond in any subsequent execution against the same property but the subsequent execution creditor shall be made a party to the pending interpleader proceedings.

**Rule 3213. Judgment**

The judgment in the interpleader proceedings shall

(1) determine the title to the claimed property as among the parties to the interpleader,

(2) provide for the disposition of the proceeds of sale thereof,

(3) fix the amount of

(i) special damages sustained by the claimant if [he] the claimant has sustained [his] the claim or [the amount of]

(ii) any liability of the claimant [if] to whom property has been delivered [to him] as to which [he] the claimant has not sustained [his] the claim and [shall]

(4) include such counsel fees as may be awarded by the court as part of the costs.

[Note: Sections 13 and 14 of the Sheriff's Interpleader Act of June 22, 1931, P.L. 883, 12 P.S. §§ 2370, 2371, remain unsuspending insofar as they relate to costs including the allowance of counsel fees.]

Section 16 of the Sheriff's Interpleader Act of June 22, 1931, P.L. 883, 12 P.S. § 2373, providing that the rights of lienholders shall not be affected remains unsuspending.]

**Rule 3215. Effective Date. Pending Actions**

Rescinded.

Acts of Assembly

Rule 3231. Acts of Assembly not Suspended

...

(33) Rescinded.

NOTE: The statute formerly preserved by Rule 3231(33) has been repealed.

...

(35) Rescinded.

NOTE: The statute formerly preserved by Rule 3231(35) has been repealed.

...

Rule 3234. Sheriff's Interpleader Proceedings

Rescinded.

NOTE: The statutes formerly preserved by this rule have been repealed.

Rule 3241. Acts of Assembly Suspended

...

(80) Rescinded.

NOTE: The statute formerly suspended by Rule 3241(80) has been repealed.

...

Rule 3246. Sheriff's Interpleader Proceedings

Rescinded.

**NOTE:** The statutes formerly suspended by this rule have been repealed.

## **EXPLANATORY COMMENT**

The Act of June 22, 1931, P.L. 883, 12 P.S. § 2358 et seq., when enacted, formed the basis for both the substantive and procedural law governing sheriff's interpleader. The rules of civil procedure governing the same subject promulgated in 1965 suspended the procedural provisions of the statute but preserved certain other provisions. However, in 1978 Section 2(a) of the Judiciary Act Repealer Act (JARA), 42 P.S. § 20002(a)[1124], repealed the Act of 1931 in its entirety.

As a result of the repeal of the Act of 1931, the Supreme Court of Pennsylvania has promulgated the following amendments to the rules governing Sheriff's Interpleader but these amendments do not affect practice and procedure:

1. Rule 3201 and the note to Rule 3205(b) are amended to delete references to the repealed Act of 1931 or other repealed statutes.

2. Rules 3202(b), 3205(b), 3206(a) and (d), 3207(a), (d) and (e), 3208 and 3213 are amended to be gender neutral.

3. Rule 3215 governing the effective date of the rules when originally promulgated in 1966 is rescinded as obsolete.

4. Rules 3231(33) and (35), 3234, 3241(80) and 3246 governing Acts of Assembly are rescinded as obsolete. The statutes preserved and suspended by these rules have been repealed.

**By the Civil Procedural  
Rules Committee**

Edwin L. Klett  
Chairman