


Supreme Court of Pennsylvania

ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS

Memorandum

TO: Recorders of Deeds

FROM: Zygmunt A. Pines, Esq. 
Court Administrator of Pennsylvania

SUBJECT: **Reminder of Act 49 of 2009 Changes in JCS/ATJ Filing Fee
Effective December 8, 2009**

DATE: December 1, 2009

As noted in my November 5th memorandum, Act 49 of 2009, which takes effect December 8, 2009, makes several changes to the \$10 Judicial Computer System/Access to Justice (JCS/ATJ) fee by amending Title 42 Section 3733(a.1) and adding Section 3733.1. With regard to Recorder of Deed Offices, the changes to the JCS/ATJ fee are as follows:

1. **Beginning December 8, 2009**, the JCS/ATJ fee is temporarily increased from \$10 to \$23.50 for all filings in which the fee is currently collected and on any other filing considered a property transfer for which a fee is imposed. This temporary increase in the fee is effective for a 25-month period ending January 7, 2012. Thereafter, the fee charged on these filings will be \$12.25.
2. **Beginning December 8, 2009**, the JCS/ATJ fee shall be charged for the filing of a Right of Way. The amount of the fee shall be temporarily \$23.50 for a 25-month period ending January 7, 2012. Thereafter, the fee charged on these cases will be \$12.25.

In accordance with Act 49 of 2009, the Supreme Court promulgated financial regulations identifying the filings to which the JCS/ATJ fee applies. The November 5, 2009 memorandum included a copy of the Supreme Court of Pennsylvania Order promulgating said financial regulations which are effective December 8, 2009.

In keeping with the provisions of Act 122 of 2002 as amended by Act 49 of 2009, and the regulations, this office provides the following guidance to make clear that **the fee must be collected whenever an interest in real property is transferred**. Such instances include conveyances of real property by way of the eight types of document filings

specified in the original financial regulations to implement Act 122, and a ninth, rights of way. Specifically, the nine types of documents listed in the current financial regulations are:

- Deeds in any form
- Mortgages
- Mortgage assignments
- Mortgage releases
- Mortgage satisfaction pieces
- Installment sales agreements
- Leases for a term of thirty (30) years or longer
- Easements
- Rights of way

Please note that the list above is not exclusive and the JCS/ATJ fee should be collected also on any other filing considered a property transfer for which a fee is imposed.

Recently a recorder of deeds asked a question pertaining to memorandums and the collection of the JCS/ATJ fee. The Administrative Office of Pennsylvania Courts has interpreted the statute and the financial regulations and made the following determination. If the "Memorandum" document refers to or incorporates by reference any document(s) which if filed would be subject to the JCS/ATJ fee, the fee should be collected for each such referenced or incorporated document(s) at the time the "Memorandum" is filed.

This determination applies unless the fee has already been collected when the underlying document(s) was filed and recorded. Once the JCS/ATJ fee has been collected at the time of the filing and recordation of the said "Memorandum," the fee or fees will not be collected again if the exact document(s) referenced to or incorporated in the "Memorandum" is later filed and recorded.

This determination will be incorporated into a future revision of the financial regulations. Any recorder of deeds not currently collecting the JCS/ATJ fee for the recording of such "Memorandum" documents should begin collecting it immediately without waiting for revision of the financial regulations. Starting December 8, 2009 the recorders of deeds should be collecting the JCS/ATJ fee at the temporary \$23.50 amount for the filing of such "Memorandums."

The temporary \$23.50 fee as well as its successor \$12.25 fee will be shared in proportions specified by law among the following accounts: Judicial Computer System, Access to Justice and Criminal Justice Enhancement.

To facilitate weekly reporting of collections of the JCS/ATJ fee, the Pennsylvania Department of Revenue advises that it will revise reporting forms. Collections of the fee should be handled in the same manner as the Pennsylvania writ tax (number of documents recorded multiplied by \$23.50).

If we may be of assistance with regard to your implementation of Act 49, please contact Daryl Walker, Esq., of the Administrative Office of Pennsylvania Courts at (717) 231-3300, extension 3319.

cc: Warren Klunk
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