

**DOWNINGTOWN MUNICIPAL WATER AUTHORITY
CHESTER COUNTY, PENNSYLVANIA**

RESOLUTION

A RESOLUTION ADOPTING A SCHEDULE OF REASONABLE ATTORNEY FEES INCURRED IN THE COLLECTION OF DELINQUENT UNPAID MUNICIPAL CLAIMS AND LIENS.

WHEREAS, on January 10, 2005, the Downingtown Municipal Water Authority (“the Authority”) enacted Rules and Regulations for Furnishing Water Service in the Service Area of the Downingtown Municipal Water Authority, Chester County, Pennsylvania (the “Rules & Regulations”), and amended said Rules & Regulations on December 17, 2012, pursuant to the Pennsylvania Municipal Authorities Act (53 Pa.C.S. §5601, *et seq.*); and

WHEREAS, section 414.A of the Rules & Regulations permit the Authority to do all things and to take all legal action necessary, including the filing of municipal claims in accordance with law, to enforce collection of water rates and other charges established and imposed hereby and otherwise to carry out provisions hereof; and

WHEREAS, the Pennsylvania Municipal Claims and Tax Liens Act, 53 P.S. § 7101, *et seq.* (the “MCTLA”) authorizes the Authority to impose municipal claims municipal liens, taxes, tax claims and tax liens upon real property for delinquent unpaid taxes, municipal improvements, removal of nuisances and for water rents or rates, sewer rents and lighting rates; and

WHEREAS, pursuant to Section 7106 of the Pennsylvania Municipal Claims and Tax Liens Act (“MCTLA”), 53 P.S. § 7106(a.1), the Authority may establish and collect reasonable attorneys’ fees and costs incurred in the collection of municipal claims and liens; and

WHEREAS, the Rules and Regulations do not indicate the amount of attorneys’ fees and costs the Authority can charge for the collection of municipal claims and liens; and

WHEREAS, the Authority now desires to adopt a resolution regarding the assessment of attorneys’ fees incurred in the collection of municipal claims and liens.

NOW THEREFORE, BE IT RESOLVED by the Downingtown Municipal Water Authority this 3rd day of August 2020, that section 414 of the Rules & Regulations is amending to add a section 414.C. as follows:

414.C. Attorneys’ Fees, Debt Collection

1. Schedule of fees. The Authority hereby approves the following schedule of attorney fees for services in connection with the collection of delinquent unpaid accounts, which schedule is hereby declared to be fair and reasonable compensation for the services set forth below, all in accordance with the principles set forth in Section 3(a.1) of the Municipal Claims Law as added by Act No. 1 of 1996:

Legal Services	Fee for Services
Verification of owner(s) and mailing address for delinquency letter	\$50
File lien and mailing demand letter	\$150
File amended lien and mailing demand letter	\$150
Revive lien	\$150
Prepare writ of scire facias	\$150
Obtain reissued writ	\$150
Prepare and mail letter under Pa. R.C.P § 237.1	\$75
Prepare motion for alternate service	\$300
Prepare motion for summary judgment and related judgment	\$300
Prepare and mail notice to all holders of interests in the real property	\$150
Prepare writ of execution	\$300
Attendance at sale, review schedule of distribution and resolve distribution issues	\$450
Charge for check which does not clear	\$35
Services not covered above	Hourly amount equal to solicitor's regular charges to the Authority

2. There shall be added to the above amounts the reasonable out-of-pocket expenses of counsel in connection with each of these services, which may include, but not be limited to, court filing fees as set forth by the Chester County Prothonotary, fees required by the Chester County Sheriff's office, and title search fees. Counsel's out-of-pocket expense shall be itemized in the applicable counsel bills, which shall be deemed to be part of the fees.

3. The amount of fees determined as set forth above shall be added to the Authority's claim in each account.

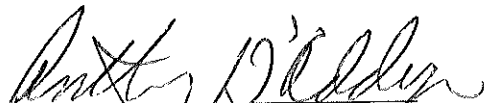
Any and all terms, conditions and provisions of any Resolution of Downingtown Municipal Water Authority in conflict with the terms, conditions, and provisions of this Resolution, are hereby repealed to the extent of such conflict.

This resolution shall become effective immediately.

DULY PRESENTED AND ADOPTED by the Downingtown Municipal Water Authority Board, Chester County, Pennsylvania, this 3rd day of August 2020.

Attest:

**DOWNINGTOWN MUNICIPAL
WATER AUTHORITY**



Anthony D'Addezio, Secretary



Alexander D. Rakoff, Chairman