

2014-05-20 10:16 AM #9796487

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA
FAMILY DIVISION

NO.

IN RE:

**ADOPTION OF MONTGOMERY COUNTY LOCAL RULE OF CIVIL
PROCEDURE 1920.73(c). NOTICE OF INTENTION TO REQUEST ENTRY OF
DIVORCE DECREE. PRAECIPE TO TRANSMIT RECORD. MOTION FOR
ENTRY OF GROUNDS ORDER AND APPOINTMENT OF EQUITABLE
DISTRIBUTION MASTER. FORMS.**

ORDER

AND NOW, this th 20 day of May, 2014, the Court hereby Adopts Montgomery County Local Rule of Civil Procedure 1920.73(c). *Notice of Intention to Request Entry of Divorce Decree. Praecipec to Transmit Record. Motion for Entry of Grounds Order and Appointment of Equitable Distribution Master. Forms.* This Rule shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

The Court Administrator is directed to publish this Order once in the Montgomery County Law Reporter and in The Legal Intelligencer. In conformity with Pa.R.C.P. 239, one (1) certified copy of this Order shall be filed with the Administrative Office of Pennsylvania Courts. Two (2) certified copies shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, and one (1) certified copy shall be filed with the Domestic Relations Procedural Rules Committee. One (1) copy shall be filed with the Law Library of Montgomery County, and one (1) copy with each Judge of this Court.



2014-00001-0002 5/20/2014 10:16 AM # 9796487

Order

Rept#Z2118994 Fee:\$0.00

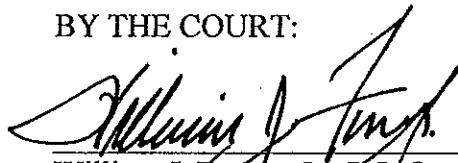
Mark Levy - MontCo Prothonotary

CERTIFIED FROM THE RECORDS OF THE
PROTHONOTARY, COURT OF COMMON PLEAS,
MONTGOMERY COUNTY, PA.

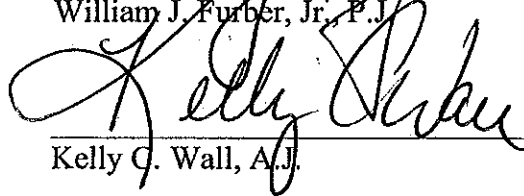
MARK LEVY, PROTHONOTARY

DATE: 5/20/14  CLERK

BY THE COURT:



William J. Furber, Jr., P.J.



Kelly C. Wall, A.J.

Rule 1920.73(c). **Notice of Intention to Request Entry of Divorce Decree. Praecepto to Transmit Record. Motion for Entry of Grounds Order and Appointment of Equitable Distribution Master. Forms.**

- (1) A *Praecepto to Transmit the Record* to request a final Decree in Divorce shall be filed where:
- (a) there have been no claims for equitable distribution of marital property, alimony or counsel fees, costs, and expenses raised in the pleadings, or
 - (b) all claims have been withdrawn and grounds for divorce have been established, and the Moving party is seeking a final decree in divorce, or
 - (c) the parties have reached a written agreement, which resolves all issues of equitable distribution of marital property, alimony and counsel fees, costs, and expenses, and grounds for divorce have been established, and the Moving party is seeking a final decree in divorce which incorporates the written agreement.

See Form *Praecepto to Transmit the Record*

- (2) A *Motion for Entry of Grounds Order and Appointment of Equitable Distribution Master* shall be filed where:
- (a) there are pending claims for equitable distribution of marital property, alimony or counsel fees raised in the pleadings, and
 - (b) no written agreement has been reached by the parties; and
 - (c) grounds for divorce exist and can be established.

See Form *Motion for Entry of Grounds Order and Appointment of Equitable Distribution Master*

- (3) The Moving party, filing the Motion for Entry of Grounds Order and Appointment of Equitable Distribution Master, upon filing said Motion shall:
- (a) pay a required fee to the Prothonotary at the time of filing the Motion; and
 - (b) certify in the Motion that discovery is complete by including a listing of all assets and liabilities, including values as of the date of filing of the Motion; and

- (c) attach to the Motion the Moving party's Initial Hearing Statement, which shall include a completed Inventory and Appraisal, pursuant to Local Rule 1920.33(f); and
 - (d) the Motion and Initial Hearing/Inventory Statement, pursuant to Local Rule 1920.33(f), shall be filed with the Court and served upon the Non-Moving party, and a Certificate of Service of same shall be filed with the Court.
- (4) The Non-Moving party shall have forty-five (45) days from the date of service of the Moving party's Motion and Initial Hearing/Inventory Statement in which to complete all discovery, and provide the same certification to the Court and the Moving party, that the Non-Moving party's discovery is complete and includes a listing of all assets and liabilities, including values as of the date of filing of the certification by the Non-Moving party:
- (a) the listing of all assets and liabilities shall be in the form of an Initial Hearing/Inventory Statement, pursuant to Local Rule 1920.33(f), and shall be filed with the Court and served upon the Moving party, and a Certificate of Service of same shall be filed with the Court.
- (5) The failure of either party to comply with any provisions of this Rule may result in Sanctions to that non-compliant party and/or the barring of the non-compliant party's testimony or introduction/admission of evidence at the time of the equitable distribution proceedings.

Comment: the forms referenced in this rule are available online at www.montcopa.org/prothonotary.