

**PARKESBURG BOROUGH
CHESTER COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2025-567

**ORDINANCE APPROVING APPOINTMENT OF MICHELLE R. PORTNOFF,
ESQUIRE AS SOLICITOR FOR COLLECTION OF UNPAID REAL ESTATE TAXES
AND MUNICIPAL CLAIMS FOR DELINQUENT ACCOUNTS AND ESTABLISHING
INTEREST ASSESSMENT AND ATTORNEY FEES AND COLLECTION FEES
ADDED TO THE AMOUNT COLLECTED**

WHEREAS, to be fair to all taxpayers and other residents of the Borough of Parkesburg a Municipality in the Commonwealth of Pennsylvania and County of Chester (the "Borough"), it is necessary for the Borough to recover promptly unpaid, delinquent real estate tax accounts and unpaid, delinquent trash fee accounts, if necessary, by legal proceedings to be exercised by a solicitor hired specifically for collection work; and,

WHEREAS, the Municipal Claims and Tax Liens Act, 53 P.S. § 7101, et seq., as amended (the "Act"), provides a statutory framework for Municipalities to collect unpaid Tax Claims and Municipal Claims; and,

WHEREAS, § 7101 of the Act authorizes a Municipality levying Taxes, Tax Claims, Tax Liens, Municipal Claims and/or Municipal Liens that become delinquent (each, an "Unpaid Claim") to recover the Charges, Expenses, Commissions and Fees incurred in the collection of the Unpaid Claims together with the applicable Unpaid Claim, provided that such Charges, Expenses, Commissions and Fees are approved by Legislative Action of such Municipality; and

WHEREAS, § 7106 of the Act requires that the applicable Municipality adopt by Ordinance a schedule of Attorney Fees for any Attorney Fees incurred in connection with the filing, preservation and collection of any Delinquent Account, including any Unpaid Claim; and

WHEREAS, the Borough has determined after due deliberation and investigation that it is in the best interest of the Borough to collect certain Unpaid Claims pursuant to the Act, and after careful review of the Attorney Fees and Collection Fees set forth in this Ordinance, to approve and adopt such Attorney Fees and Collection Fees pursuant to this Legislative Action in accordance with the Act and to be exercised by the collection attorney named herein.

NOW, THEREFORE, IN CONSIDERATION OF THE FOREGOING, AND THE AUTHORITY GRANTED BY THE BOROUGH CODE, IT IS HEREBY ORDAINED, ENACTED AND ADOPTED BY THE COUNCIL OF THE BOROUGH OF PARKESBURG AS FOLLOWS:

Section 1. Attorney Fees and Collection Fees to be Added to the Unpaid Claims.

The Attorney Fees and Collection Fees set forth below are hereby adopted, approved, and determined to be reasonable, including, without limitation, as contemplated by § 7106 of the Act. The Attorney Fees and Collection Fees set forth below shall be included and added to the applicable Unpaid Claims collected pursuant to the Act (such Unpaid Claims, the “MCTLA Unpaid Claims”) in an amount equal to the amount set forth in this Section 1.

(a) Attorney Fees.

Initial review and sending first legal demand letter	\$175.00
File Lien and prepare Satisfaction	\$250.00
Prepare Writ of Scire Facias	\$250.00
Prepare and mail letter under Pa. R.C.P. 237.1	\$ 50.00
Prepare Default Judgment	\$175.00
Research, prepare and obtain re-issued Writ	\$175.00
Prepare Praecipe to Amend	\$100.00
Prepare Motion to Amend	\$150.00
Prepare Motion for Alternate Service	\$250.00
Prepare Motion to Consolidate Claims	\$250.00
Amend claim to add United States as defendant	\$250.00
Prepare Writ of Execution	\$800.00
Preparation for sheriff’s sale; review schedule of distribution and resolve distribution issues	\$400.00
Prepare Motion to Continue Sheriff’s Sale	\$ 50.00
Prepare Petition for Free and Clear Sale	\$400.00
Preparation and service of Subpoena	\$100.00
Presentation of Motion or Petition	\$ 50.00
Services not covered above	At an hourly rate between \$75.00-\$275.00 per hour

(b) Collection Fees.

Validation notice	\$25.00 per notice
Notice of delinquent claim and fee shifting	\$40.00 per notice, plus applicable postage
Bookkeeping fee for payment plan of 3 months or less	\$25.00
Bookkeeping fee for payment plan of more than 3 months	\$50.00
Handling fee for returned check	\$ 25.00

In addition to the Collection Fees set forth under Section 1(b) above, the amount of out-of-pocket charges, costs, expenses, commissions and fees incurred in connection with the filing, preservation and collection of the MCTLA Unpaid Claims, including, but not limited to, prothonotary fees and charges, sheriff fees and charges, postage expenses, title search expenses, vehicle identification number (VIN) search expenses, skip tracing and/or other investigatory service expenses, and the costs, fees, charges and/or expenses arising out of any payment by any credit card, debit card or any other payment medium, are hereby approved and shall be included, upon incurrence, together with the applicable MCTLA Unpaid Claim.

Section 2. Interest.

Interest will be assessed upon the MCTLA Unpaid Claims at a rate of 10% per annum and added to the MCTLA Unpaid Claims plus any penalties imposed by valid Borough Ordinance, Resolution or Regulation. The Borough is permitted to waive any interest on any MCTLA Unpaid Claim when the Borough or any attorney and/or third-party collector collecting the MCTLA Unpaid Claim believes, in its discretion, that such amount is de minimis or that the cost or burden of continuing collection outweighs the benefit of collecting the interest.

Section 3. Appointment of Solicitor.

The Borough appoints Michelle R. Portnoff, Esquire, as Solicitor for the limited purpose of collecting the MCTLA Unpaid Claims and hereby authorizes her, and all attorneys employed by Portnoff Law Associates, Ltd., to sign any and all documents, including tax claims, municipal claims, and liens, on behalf of the Borough.

Section 4. Severability.

Should any section, paragraph, clause, or phrase of this Ordinance be declared unconstitutional or invalid by legislation or a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby and shall remain in full force and effect.

Section 5. Inconsistencies.

All prior ordinances, resolutions and/or other official acts or parts thereof inconsistent herewith are hereby repealed to the extent of such inconsistencies.

Section 6. Capitalized Terms.

Capitalized terms used herein but not defined herein shall have the meanings ascribed to such terms in the Act.

Section 7. Effective Date.

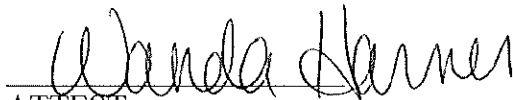
This Ordinance shall take effect immediately after approval by Borough Council and the Mayor in accordance with the Borough Code.

**DULY ORDAINED, ENACTED AND ADOPTED BY THE COUNCIL OF THE
BOROUGH OF PARKESBURG THIS 17TH DAY OF JULY 2025.**

BOROUGH COUNCIL

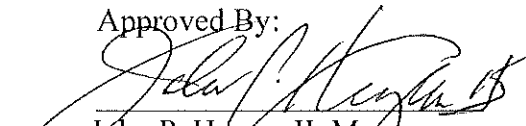


Todd Brade, President
Parkesburg Borough Council



ATTEST
Wanda Harner, Borough Secretary

Dated: 7/17/2025

Approved By:

John P. Hagan, II, Mayor
BOROUGH OF PARKESBURG