

**RULE 3.5. FORM. NOTICE OF MOTION OR PETITION**

- (a)** Before any motion or petition is filed, the moving party shall serve a copy of the motion, petition, request or application, and any proposed order, and a statement of the date and time of the intended presentation to counsel of record and any unrepresented party at least three (3) business days in advance of the presentation. Service may be accomplished personally, by first class mail or by facsimile transmission. Service shall be made pursuant to Pa. O.C. Rule 3.5.
- (b)** A document in the following form shall be attached to each contested and uncontested motion or petition and every copy of the same that is filed or served:

**NOTICE**

You are hereby notified that the attached motion/petition will be presented by me on \_\_\_\_\_, 20\_\_.

( ) to the Clerk of Courts.

( ) in Motion’s Court at 8:45 o’clock a.m.

**CERTIFICATION OF NOTICE AND SERVICE**

The undersigned represents that three (3) business days’ prior notice and copy of this motion and proposed order have been served by ( ) first class mail ( ) fax, or ( ) hand delivery on the \_\_\_ day of \_\_\_\_\_, 20\_\_ upon all parties or their counsel of record in accordance with Pa.O.C. Rule 3.5.

**INFORMATION FOR COURT ADMINISTRATOR**

A. Is this an original filing in this case?

\_\_\_ Yes      \_\_\_ No

B. Has any Judge heard this matter previously?

\_\_\_ Yes      \_\_\_ No

C. If yes, name of Judge who presided over previous matter:

\_\_\_ Vardaro \_\_\_ Spataro \_\_\_ Stevens \_\_\_ other/Name

D. Estimated Court time required for this matter.

\_\_\_ Minutes    \_\_\_ Hours    \_\_\_ Days

E. Is this motion/petition opposed by another party?

\_\_\_ Yes \_\_\_ No \_\_\_ Unknown

UNCONTESTED MOTION CERTIFICATION

The undersigned represents that:

\_\_\_ 1. All parties or counsel have consented.

\_\_\_ 2. Consents of all parties or counsel are attached.

\_\_\_ 3. The Petition seeks only a return hearing or argument date and no other relief.

Opposing Counsel: \_\_\_\_\_ (if opposing party is unrepresented, list his/her current address and telephone): \_\_\_\_\_ (Telephone) \_\_\_\_\_

I HEREBY CERTIFY ALL OF THE ABOVE STATEMENTS ARE TRUE AND CORRECT

By \_\_\_\_\_

Attorney for: \_\_\_\_\_

**(c). Suggested Order.** Every motion, request and application shall have attached thereto a suggested order granting the relief that is requested by the moving party.

**(d). Service of Order Entered.** All orders entered by the Court after the presentation of a motion, petition, request or application shall be served upon all opposing parties or their counsel by the moving party within three (3) business days after the entry of the order by the Court. Service of a conformed order is sufficient. As a courtesy, the Clerk of Courts may furnish a copy of the actual order at a later date, but the responsibility of the moving party to effectuate service is not relieved hereby.

***EXPLANATORY COMMENT***

*This local rule is intended to allow parties to bring before the court uncomplicated or uncontested matters. The court will not conduct argument or hold an evidentiary hearing at motions court on matters that are contested. In those cases an order will be entered directing the court administrator to schedule argument and/or an evidentiary hearing and the responding party will have twenty (20) days to respond consistent with the uniform notice period established by the Pennsylvania Orphans' Court Rules.*