

## **RULE 5. NOTICE**

### **5.1 METHOD**

Rule 5.1(1) Legal Publications.

The President Judge shall designate the legal periodical for the publication of notices whenever publication in a legal periodical is required by Act of Assembly or by rule or order of Court.

Rule 5.1(2) Notice of Public Sale of Real Estate.

See Monroe Co. O.C.R. 12.9(3).

Rule 5.1(3) Service. Service on Attorneys.

Written notice, served personally on an attorney of record or the person in charge of his office, or by mail addressed to his office, shall be notice to the party whom he represents, except where personal service on the party is specifically required.

### **5.2 METHOD. PERSON UNDER INCAPACITY**

#### **5.3 TIME FOR NOTICE**

Rule 5.3(1) Advance Notice.

In any proceeding in which no preliminary decree is required, notice may be given in advance of the filing of the petition or other application to the Court. In such cases, the requirements of Pa. O.C.R. 5.4 and Monroe Co. O.C.R. 5.4(1) may be complied with by attaching the documents to the petition. The Court may direct additional notice whenever that is deemed advisable by the nature of the proceeding or the circumstances.

#### 5.4 RETURN OF NOTICE

##### Rule 5.4(1) Notice. Additional Requirements.

In addition to the requirements of Pa. O.C.R. 5.4, the following requirements shall be observed:

(a) A copy of the notice required to be given shall be attached to the petition or return.

(b) Personal Service.

Return or personal service of notice shall set forth the date, time, place, and manner of service and that a true and correct copy of the notice was handed to the person served.

(c) Registered or Certified Mail, Return Receipt Requested, Restricted Delivery.

Return of notice by registered or certified mail shall state the date and place of mailing and shall include the return receipt or a photographic copy thereof. When the person who gives notice by registered or certified mail has personal knowledge or has cause to believe the such notice was not received by the person to be notified, he shall so state in the return. When the address of the person to be served by registered or certified mail is in a country other than the United States of America, a statement that the notice was so mailed to that person at the designated address shall be sufficient unless otherwise ordered.

(d) Publication

Return of notice by publication shall consist of proofs of publication, together with sworn affidavits of publication by the publisher or his agent.

(e) Real Property. Return of Public Sale.

See Monroe Co. O.C.R. 12.9(4).

**5.5 CHARITIES. NOTICE TO THE ATTORNEY GENERAL**

Rule 5.5(1) Notice to Attorney General.

Notice to the Attorney General or his designated deputy shall be required where a matter involves:

(a) a specific bequest to a charity in the amount of \$25,000.00 or more;

(b) a specific bequest to a charity totaling less than \$25,000.00 which will not be paid in full; or

(c) a charitable bequest of any amount out of the residue of the estate.

**5.6 NOTICE TO BENEFICIARIES AND INTESTATE HEIRS**