

# **SAMPLE DELINQUENT COST RESOLUTION**

RESOLUTION No. \_\_\_\_\_

**A RESOLUTION OF THE GOVERNING BOARD OF CLIENT, COUNTY, PENNSYLVANIA, AUTHORIZING AND EMPOWERING ITS LOCAL TAX COLLECTOR, BERKHEIMER, TO IMPOSE AND RETAIN COSTS OF COLLECTION ON DELINQUENT TAXES.**

**WHEREAS, CLIENT, COUNTY**, by Resolution and/or Ordinance, has levied, assessed and provided for the collection of certain local taxes under and pursuant to the authority of the Act No. 511 of the 1965 General Assembly of the Commonwealth of Pennsylvania, enacted December 31, 1965, and effective January 1, 1966, as amended; and

**WHEREAS, CLIENT, COUNTY**, has hired Berkheimer to collect said taxes levied by the **CLIENT, COUNTY**, including taxes that are or may become delinquent; and

**WHEREAS**, pursuant to Act 192 of the 2003-2004 General Assembly of the Commonwealth of Pennsylvania, **CLIENT, COUNTY**, has the right to impose a cost of collection on taxes that become delinquent and/or that remain due and unpaid;

**NOW, THEREFORE, BE IT RESOLVED** that

1. **CLIENT, COUNTY** APPROVES AND ADOPTS the Cost of Collection Schedule attached hereto and made apart of this Resolution to be imposed by BERKHEIMER upon any taxpayer whose taxes are or become delinquent and/or remain due and unpaid.

2. **BERKHEIMER** is authorized to retain said costs of collection set forth in the attached schedule incurred in recovering delinquent taxes and assessed to the delinquent taxpayer as allowed by law.

3. Any resolution or part of this resolution conflicting with the provisions of this resolution and the same are hereby repealed to the extent of such conflict.

**ENACTED** into a RESOLUTION this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

BY: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ATTEST:

\_\_\_\_\_

## **SCHEDULE OF COLLECTION COSTS TO BE IMPOSED AND ADDED TO DELINQUENT TAX**

### **TAXPAYER NOTIFICATION AND ADMINISTRATION**

1) Taxpayer late filing, Failure to File, Underpayment or Failure to Pay notice	\$25.00
2) Employer late filing notice or underpayment penalty notice for quarterly or annual earned income tax or local services tax return or reminder notice 10% of the tax, penalty and interest due-minimum charge \$50.00	\$50.00
3) Delinquent account servicing fee, including records imaging or other detailed recordkeeping, office staffing, computer equipment and software, office space, telephone, printing and imaging equipment, supplies used to generate delinquent notices and to establish payment plans. 10% of tax, penalty and interest due-minimum charge \$50.00	\$50.00
4) Establishment of Payment Plan (per planned payment)	\$5.00
5) Fee for check returned from bank or failed electronic payment (NSF, Acct. Closed, etc).	\$29.00
6) Notice of intent to file suit.	\$50.00
7) Certified Taxpayer notice prior to wage attachment	\$25.00
8) Employer wage attachment notice.	\$25.00
9) Paid before Service	\$10.00

### **LITIGATION**

1) Prepare Magisterial District Court complaint.	\$75.00
2) Prepare for hearing.	\$100.00
3) Attend Magisterial District Court trial or hearing.	\$150.00
4) Attend Constable Execution sale.	\$350.00
5) Prepare Arbitration complaint/appeal.	\$150.00
6) Attend Trial.	\$350.00
7) Enter default judgment.	\$150.00
8) Issue Sheriff Writ of Execution.	\$250.00
9) Attend Sheriff Sale.	\$250.00
10) Non-litigation legal work.	\$70.00/hr
11) Litigation legal work.	\$80.00/hr
12) All other clerical work not itemized above.	\$60.00/hr

### **AUDIT OF EMPLOYERS HOLDING TAXES IN TRUST**

1) Tax Assessed Cost:

\$40.00 - 100.00	\$31.25
\$101.00 - 500.00	\$62.50
\$501.00 - 1,000.00	\$125.00
\$1,001.00 - 5,000.00	\$312.50
Over \$5,000.00	\$1,000.00

### **REAL ESTATE TAXES**

1) Pre collection letter	\$45.00
2) Delinquent tax notice	\$40.00
3) Final Notice	\$28.00
4) Lien Satisfaction Fee	\$30.00

**Civil Complaint:** Court cost is advanced by Berkheimer and billed on a monthly basis to the taxing body. This cost is recovered at the time judgment is issued in favor of the taxing body and is reimbursed to the taxing body when paid by the taxpayer.

**Judgment Execution:** Cost for either lien filing fee or actual Sheriff Sale is advanced by Berkheimer and billed to the taxing body on a monthly basis. Once the cost is recovered from the taxpayer it is reimbursed to the taxing body. All mechanics in either case are handled by Berkheimer.

Notices, which are in most cases used mutually exclusive from one another, may be sent in any order depending on collection efforts required and associated charges are not listed in order of mailing or use. The fees and cost for notices may be cumulative based upon the number and type of notices that Berkheimer must send to successfully collect the delinquency.

All Costs also pertain to electronic tax returns, payments etc.

Berkheimer retains the right to automatically escalate these fees by 3% (rounded to the nearest dollar) on a yearly basis.