

IN RE: PETITION OF : IN THE COURT OF  
 : COMMON PLEAS  
 THE TOWNSHIP OF : OF \_\_\_\_\_ COUNTY  
 :  
 \_\_\_\_\_ AND THE :  
 TOWNSHIP OF \_\_\_\_\_ :  
 VACANCY BOARD TO HAVE THE :  
 COURT OF COMMON PLEAS : CIVIL ACTION LAW  
 FILL THE VACANT SUPERVISOR :  
 POSITION : NO. \_\_\_\_\_ -CV- \_\_\_\_\_

**THE PETITION OF THE TOWNSHIP OF \_\_\_\_\_ AND THE TOWNSHIP OF \_\_\_\_\_  
 VACANCY BOARD TO HAVE THE COURT OF COMMON PLEAS FILL  
 THE VACANT SUPERVISOR POSITION**

The Township of \_\_\_\_\_ and the Township of \_\_\_\_\_ Vacancy Board (collectively the “Township”) by and through its Solicitor, [SOLICITOR], hereby files this Petition to fill the vacancy in a Supervisor position and avers as follows:

1. The Township is a Second-Class Township governed by the Second-Class Township Code 53 P.S. 65101 et seq.
2. The Township has population of approximately [#] people.
3. In the Municipal Election of [DATE], [NAME] was elected to a [NUMBER (#)] Year term as Supervisor of the Township with [NUMBER (#)] votes.
4. As of the January 3, 2022 organization meeting of the Township, the Supervisors for the Township were [NAME] and [NAME] as [NAME] failed to appear at the organization meeting.
5. Pursuant to 53 P.S. § 65407, the remaining members of the Board of Supervisors may appoint a successor who is an elector of the Township and who has resided in the Township continuously for at least one (1) year prior to their appointment to fill the vacancy of a Supervisor.

6. If the Board of Supervisors do not fill the vacancy within thirty (30) days, the vacancy is to be filled within (15) days by the Township's Vacancy Board.

7. Pursuant to 53 P.S. § 65407, the Vacancy Board consists of the Board of Supervisors and one elector of the Township who shall be appointed by the Board of Supervisors and who shall act as the Chairman of the Vacancy Board.

8. If the Vacancy Board fails to fill the vacant position, the Vacancy Board and Township are required to petition the Court of Common Pleas to fill the vacancy. 53 P.S. § 65407.

9. The successor appointed to fill the vacancy, shall hold the office until the first Monday in January after the first municipal election which occurs more than sixty (60) days after the vacancy will be held in 2023.

10. A successor appointed to fill the supervisor vacancy shall serve until the first Monday in January 2024.

11. The Supervisors was unable to select a successor within thirty (30) days after the Reorganization and the Vacancy Board was unable to select a successor fifteen (15) days thereafter.

12. A resident of the Township named [Name of Proposed Appointee], [ADDRESS] has expressed a desire to fill the vacant position of Supervisor.

13. Upon information and belief, [Name of Proposed Appointee], is an elector of the Township and who has resided in the Township continuously for at least one (1) year prior to his proposed appointment to fill the vacancy of Supervisor. Attached as Exhibit "A" is an Affidavit of [Name of Proposed Appointee] stating he is an elector of the Township and resided in the Township for at least one (1) year prior to appointment.

14. Both [NAME] and [NAME] who are the remaining Supervisors and members of the Vacancy Board support the appointment of [Name of Proposed Appointee]. Attached as Exhibit "B" are the Affidavits of [NAME] and [NAME].

15. Due to the vacancy on the Board of Supervisors, the Board of Supervisors passed a motion to file a Petition with the Court of Common Pleas to fill the vacancy.

16. Due to the vacancy, the current Board of Supervisors consists of only two (2) members.

17. The fact that there are only two (2) members of the Board of Supervisors may lead to tie votes or a lack of a second to a motion which will inhibit the ability of the Township to carry out business.

18. Therefore, the Board of Supervisors respectfully requests the Court to fill the vacancy on the Board of Supervisors in an expeditious and prompt manner.

WHEREFORE, the Board of Supervisors of the Township of \_\_\_\_\_ and the Township of \_\_\_\_\_ Vacancy Board hereby respectfully request this Honorable Court to appoint an elector to the vacant position on the Board of Supervisors for the Township of \_\_\_\_\_ through the first Monday in January 2024, in accordance with 53 P.S. § 65407.

DATED: May \_\_\_\_\_, 2022

[SOLICITOR]

\_\_\_\_\_  
[SOLICITOR]

**VERIFICATION**

I, [NAME], hereby states that I am an elected Supervisor of the Township of -  
\_\_\_\_\_ and a Member of the Township of \_\_\_\_\_ Vacancy Board and am authorized to  
make this verification on behalf of the Petitioner, Township of \_\_\_\_\_ and Township of  
\_\_\_\_\_ Vacancy Board, and that the facts contained in the foregoing Petition to Fill  
Vacant Supervisor Position are true and correct to the best of my knowledge, information  
and belief. This verification is given pursuant to the penalties of 18 Pa.C.S. §4904  
relating to unsworn falsification to authorities.

Dated: \_\_\_\_\_

\_\_\_\_\_  
[NAME]

**VERIFICATION**

I, [NAME], hereby states that I am an elected Supervisor of the Township of \_\_\_\_\_ and a Member of the Township of \_\_\_\_\_ Vacancy Board and am authorized to make this verification on behalf of the Petitioner, Township of \_\_\_\_\_ and Township of \_\_\_\_\_ Vacancy Board, and that the facts contained in the foregoing Petition to Fill Vacant Supervisor Position are true and correct to the best of my knowledge, information and belief. This verification is given pursuant to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.

Dated: \_\_\_\_\_

\_\_\_\_\_  
[NAME]

**AFFIDAVIT OF [NAME]**

On this \_\_\_\_\_ day of May, 2022, before me, the undersigned officer, personally appeared [NAME], who is known personally to me or who produced \_\_\_\_\_ as identification and known to me to be a credible person and of lawful age, who being by me first duly sworn, on her oath, deposes and states:

1. I am a resident of [ADDRESS] and have been a continuous resident of \_\_\_\_\_ Township for at least one (1) year prior to this date.
2. I am over the age of eighteen (18) and an elector (registered voter) of \_\_\_\_\_ Township.
3. I request to be appointed to the serve in the Vacant Supervisor Position in the Township of \_\_\_\_\_ through the first Monday in January 2024

I declare under penalty of perjury under the laws of the Commonwealth of Pennsylvania that the foregoing is true and correct.

\_\_\_\_\_  
[NAME]

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

(Notary Seal)

\_\_\_\_\_  
Notary Public

**AFFIDAVIT OF [NAME]**

On this \_\_\_\_\_ day of May, 2022, before me, the undersigned officer, personally appeared [NAME], who is known personally to me or who produced \_\_\_\_\_ as identification and known to me to be a credible person and of lawful age, who being by me first duly sworn, on her oath, deposes and states:

1. I am a duly elected Supervisor of the Township of \_\_\_\_\_ and Member of the Township of \_\_\_\_\_ Vacancy Board.
2. Upon information and belief, Thomas Riley Pierce is a resident of [ADDRESS] and has been a continuous resident of \_\_\_\_\_ Township for at least one (1) year prior to this date.
3. Upon information and belief, [NAME] is over the age of eighteen (18) and an elector (registered voter) of \_\_\_\_\_ Township.
4. I request that [NAME] be appointed to the serve in the Vacant Supervisor Position in the Township of \_\_\_\_\_ through the first Monday in January 2024

I declare under penalty of perjury under the laws of the Commonwealth of Pennsylvania that the foregoing is true and correct

\_\_\_\_\_  
[NAME]

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

(Notary Seal)

\_\_\_\_\_  
Notary Public



**AFFIDAVIT OF [NAME]**

On this \_\_\_\_\_ day of May, 2022, before me, the undersigned officer, personally appeared [NAME], who is known personally to me or who produced \_\_\_\_\_ as identification and known to me to be a credible person and of lawful age, who being by me first duly sworn, on her oath, deposes and states:

1. I am a duly elected Supervisor of the Township of \_\_\_\_\_ and Member of the Township of \_\_\_\_\_ Vacancy Board
2. Upon information and belief, Thomas Riley Pierce is a resident of [ADDRESS] and has been a continuous resident of \_\_\_\_\_ Township for at least one (1) year prior to this date.
3. Upon information and belief, [NAME] is over the age of eighteen (18) and an elector (registered voter) of \_\_\_\_\_ Township.
4. I request that Thomas Riley Pierce be appointed to the serve in the Vacant Supervisor Position in the Township of \_\_\_\_\_ through the first Monday in January 2024

I declare under penalty of perjury under the laws of the Commonwealth of Pennsylvania that the foregoing is true and correct

\_\_\_\_\_  
[NAME]

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

(Notary Seal)

\_\_\_\_\_  
Notary Public

IN RE: PETITION OF	:	IN THE COURT OF
	:	COMMON PLEAS
THE TOWNSHIP OF _____	:	OF _____ COUNTY
AND THE	:	
TOWNSHIP OF _____	:	
VACANCY BOARD TO HAVE THE	:	
COURT OF COMMON PLEAS	:	CIVIL ACTION LAW
FILL THE VACANT SUPERVISOR	:	
POSITION	:	NO. _____ -CV- _____

**ORDER**

AND NOW, this \_\_\_\_\_ day of May, 2022, after consideration of the Petition of the Township of \_\_\_\_\_ and the Township of \_\_\_\_\_ Vacancy Board to have the Court of Common Pleas fill the Vacant Supervisor Position, this Court appoints \_\_\_\_\_ as Supervisor of \_\_\_\_\_ Township to fill the vacant position until the first Monday in January after the 2023 Municipal Election, at which election an eligible person shall be elected for the unexpired term.

**BY THE COURT:**

\_\_\_\_\_  
[NAME]

IN RE: PETITION OF	:	IN THE COURT OF
	:	COMMON PLEAS
THE TOWNSHIP OF	:	OF _____ COUNTY
_____ AND THE	:	
TOWNSHIP OF _____	:	
VACANCY BOARD TO HAVE THE	:	
COURT OF COMMON PLEAS	:	CIVIL ACTION LAW
FILL THE VACANT SUPERVISOR	:	
POSITION	:	NO. _____ -CV- _____

**ORDER**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2022, upon consideration of the Petition of the Township of \_\_\_\_\_ and the Township of \_\_\_\_\_ Vacancy Board to have the Court of Common Pleas fill the Vacant Supervisor Position, it hereby ordered that a Hearing shall be held on the \_\_\_\_\_ of \_\_\_\_\_, 2022 at \_\_\_\_:\_\_\_\_ \_\_.m. in Courtroom #\_\_ of the \_\_\_\_\_ County Courthouse, [ADDRESS].

Any Qualified Persons interested in filing the Vacant Supervisor Position shall submit a Letter of Interest and Personal Resume to this Court at/or before the time set for the Hearing. After the Hearing, the Court will review the applicants' resumes and study their qualifications and will appoint a person to fill the vacant Supervisor Position.

Notice of this hearing shall be advertised in the \_\_\_\_\_  
 \_\_\_\_\_ by the Petitioner at least \_\_\_\_\_ days before  
 the Hearing

**BY THE COURT:**

\_\_\_\_\_  
 [NAME]

IN RE: PETITION OF	:	IN THE COURT OF
	:	COMMON PLEAS
THE TOWNSHIP OF	:	OF _____ COUNTY
_____ AND THE	:	
TOWNSHIP OF WEST _____	:	
VACANCY BOARD TO HAVE THE	:	
COURT OF COMMON PLEAS	:	CIVIL ACTION LAW
FILL THE VACANT SUPERVISOR	:	
POSITION	:	NO. _____ -CV- _____

**CERTIFICATE OF COMPLIANCE**

I certify that this filing complies with provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

Submitted by: [SOLICITOR]

Signature: \_\_\_\_\_  
[SOLICITOR NAME]