

RULE 2: CONSTRUCTION AND APPLICATION OF RULES

- Rule
 2.1. Construction of rules.
 2.2. Waiver of time limitation.
 2.3. Definitions.

Rule 2.1. Construction of rules.

The rules adopted by the Supreme Court regulating the practice and procedure of the Orphans' Courts of this Commonwealth, and the rules adopted by such courts, shall be liberally construed to secure the just, speedy and inexpensive determination of every action or proceeding to which they are applicable. The court at every stage of any action or proceeding may disregard any error or defect of procedure which does not affect the substantial rights of the parties in interest.

Rule 2.2. Waiver of time limitation.

The court, upon its own motion or the motion of any party, may extend any limitation of time prescribed by these rules.

Rule 2.3. Definitions.

The following words when used in these rules, unless the context clearly indicates otherwise, shall have the meanings ascribed to them in this rule:

"*Clerk*" means the Clerk of the Orphans' Court Division.

"*Court*," "*Orphans' Court*" or "*Orphans' Court Division*" means the Orphans' Court Division of the Court of Common Pleas, or any judge thereof, having jurisdiction.

"*Electronic Filing*" means the electronic transmission via the internet of legal papers to the Clerk of the Orphans' Court Division.

"*Fiduciary*" includes executors, administrators, guardians, agents acting under a power of attorney and trustees, whether domiciliary or ancillary, individual or corporate, subject to the jurisdiction of the Orphans' Court Division.

"*Filing party*" means a party or an attorney acting on behalf of a party who files a legal paper by means of electronic filing.

"*Legal paper*" means a petition, pleading, or other document.

"*Register of Wills*" or "*Register*" means the Register of Wills having jurisdiction.

Explanatory Note: Rule 2.3 is added principally to avoid the necessity of changing the wording in some of the rules to conform to Article V, Section 5 of the Constitution of Pennsylvania as amended in 1968.

Source

The provisions of this Rule 2.3 amended October 18, 2004, effective immediately, 34 Pa.B. 5891. Immediately preceding text appears at serial page (236777).

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