

**CHAPTER 2150. UNINCORPORATED ASSOCIATIONS
AS PARTIES**

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Rule 2151. Definitions.

As used in this chapter

“action” means any civil action or proceeding brought in or appealed to any court which is subject to these rules;

“association” means an unincorporated association conducting any business or engaging in any activity of any nature whether for profit or otherwise under a common name, but does not mean a partnership as defined in Rule 2126 or a corporation or similar entity as defined in Rule 2176.

Source

The provisions of this Rule 2151 adopted May 1, 1939, effective November 6, 1939; amended December 29, 2000, effective July 1, 2001, 31 Pa.B. 137; amended December 16, 2003, effective July 1, 2004, 34 Pa.B. 9. Immediately preceding text appears at serial page (295859).

Rule 2152. Actions by associations.

An action prosecuted by an association shall be prosecuted in the name of a member or members thereof as trustees ad litem for such association. An action so prosecuted shall be entitled “X Association by A and B, Trustees ad Litem” against the party defendant.

Official Note: Adopted May 1, 1939, effective November 6, 1939; amended April 18, 1975, effective immediately, 5 Pa.B. 1820.

For the rule applicable to the prosecution of setoffs, counterclaims and cross-actions by an unincorporated association sued in the association name, see Rule 2153(b).

Rule 2153. Actions against associations.

(a) In an action prosecuted against an association it shall be sufficient to name as defendant either the association by its name, whether the same is regis-

tered, filed or not, or any officer of the association as trustee ad litem for such association in the manner prescribed by Rule 2152.

(b) If a plaintiff prosecutes an action against an association in the association name only, the association may prosecute any setoff, counterclaim or cross-action in its association name.

(c) In addition to the parties defendant permitted by subdivision (a) of this rule, the plaintiff may join as parties defendant one or more members of such association in their individual capacity, including members already named as trustees ad litem, for the purpose of enforcing any individual liability of such members upon the cause of action sued upon.

Official Note: Adopted May 1, 1939, effective November 6, 1939; amended April 18, 1975, effective immediately, 5 Pa.B. 1820.

Rule 2154. Actions between associations and members.

An action may be prosecuted by an association against one or more of the members thereof, or against such members together with persons not members; or by one or more members, or by such members together with other persons not members, against the association.

Source

The provisions of this Rule 2154 adopted May 1, 1939, effective November 6, 1939; amended December 16, 2003, effective July 1, 2004, 34 Pa.B. 9. Immediately preceding text appears at serial page (295860).

Rule 2155. Liability for costs.

No trustee ad litem and no individual member of an association shall be liable for the payment of a money judgment entered against the association as such; but a trustee ad litem representing a plaintiff association shall be liable for any costs which may be taxed against the association and a trustee ad litem representing a defendant association asserting any counterclaim or setoff shall be liable for any costs which may be taxed against the association.

Official Note: Adopted May 1, 1939, effective November 6, 1939; amended April 18, 1975, effective immediately, 5 Pa.B. 1820.

Rule 2156. Venue.

(a) Except as otherwise provided by Rule 1006(a.1) and by subdivision (b) of this rule, an action against an association may be brought in and only in a county where the association regularly conducts business or any association activity, or in the county where the cause of action arose or in a county where a transaction or occurrence took place out of which the cause of action arose or in the county

where the property or a part of the property which is the subject matter of the action is located provided the equitable relief is sought with respect to the property.

Official Note: Rule 1006(a.1) governs venue in actions for medical professional liability.

(b) Subdivision (a) of this rule shall not restrict or affect the venue of an action against an association commenced by or for the attachment, seizure, garnishment, sequestration or condemnation of real or personal property or an action for the recovery of the possession of or the determination of the title to real or personal property.

Source

The provisions of this Rule 2156 adopted May 1, 1939, effective November 6, 1939; amended April 18, 1975, effective immediately, 5 Pa.B. 1820; amended January 27, 2003, effective immediately, 33 Pa.B. 571; amended December 16, 2003, effective July 1, 2004, 34 Pa.B. 9. Immediately preceding text appears at serial pages (295860) to (295861).

Rule 2157. Service of process.

[Rescinded].

Official Note: For service upon partnerships and unincorporated associations, see Rule 423.

Source

The provisions of this Rule 2157 rescinded June 20, 1985, effective January 1, 1986, 15 Pa.B. 2452. Immediately preceding text appears at serial page (42829).

Rule 2157.1. Proof of service.

[Rescinded].

Official Note: For the return of service, see Rule 405.

Source

The provisions of this Rule 2157.1 adopted April 26, 1979, effective May 26, 1979, 9 Pa.B. 1507; rescinded June 20, 1985, effective January 1, 1986, 15 Pa.B. 2452. Immediately preceding text appears at serial pages (42829) to (42830).

Rule 2157.2. Time to plead. Extensions.

[Rescinded].

Official Note: See Rule 1026(b) for the time in which a defendant served outside the United States must plead to the complaint.

Source

The provisions of this Rule 2157.2 adopted April 26, 1979, effective May 26, 1979, 9 Pa.B. 1507; rescinded June 20, 1985, effective January 1, 1986, 15 Pa.B. 2452. Immediately preceding text appears at serial page (42830).

Rule 2158. Effect of judgment against association.

A judgment entered against an association sued in the name of the association or in the name of a trustee ad litem, or sued alone or together with a member of the association or other person, shall support execution upon the property of the association.

Official Note: Adopted May 1, 1939, effective November 6, 1939; amended April 18, 1975, effective immediately, 5 Pa.B. 1820.

Rule 2159. Fictitious name act saved.

These rules shall not be deemed to suspend or affect the operation of any Act of Assembly relating to the registration of fictitious names.

Official Note: Adopted May 1, 1939, effective November 6, 1939.

Rule 2173. [Rescinded].

Official Note: See Rule 449(a) for the preservation of sections of the Judicial Code which provide for service of process on persons who are outside the Commonwealth.

Source

The provisions of this Rule 2173 adopted April 26, 1979, effective May 26, 1979, 9 Pa.B. 1507; rescinded June 3, 1994, effective July 1, 1994, 24 Pa.B. 3010. Immediately preceding text appears at serial page (99959).

Rule 2174. [Rescinded].**Source**

The provisions of this Rule 2174 rescinded April 26, 1979, effective May 26, 1979, 9 Pa.B. 1507. Immediately preceding text appears at serial page (22329).

Rule 2175. [Rescinded].

Official Note: See Rule 449(b) for the abolition of practice and procedure under repealed statutes relating to service of process on persons who are outside the Commonwealth or who prevent or obstruct service of process.

Source

The provisions of this Rule 2175 amended April 26, 1979, effective May 26, 1979, 9 Pa.B. 1507; rescinded June 3, 1994, effective July 1, 1994, 24 Pa.B. 3010. Immediately preceding text appears at serial pages (99959) to (99960).

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