

IN THE COURT OF COMMON PLEAS OF \_\_\_\_\_ COUNTY

\_\_\_\_\_ JUDICIAL DISTRICT OF PENNSYLVANIA

CIVIL TRIAL DIVISION

_____	:	
_____ SOCIETY FOR THE	:	
PREVENTION OF CRUELTY TO ANIMALS,	:	_____ TERM, 20__
	:	
Petitioner	:	
	:	
vs.	:	
	:	
[Respondent 1]	:	
	:	
[Respondent 2]	:	
	:	
[Respondent 3]	:	
	:	
Respondents	:	
_____	:	

**RULE TO SHOW CAUSE ORDER**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_ upon consideration of the Petition of \_\_\_\_\_ Society for the Prevention of Cruelty to Animals (“\_\_SPCA”) to Establish the \_\_SPCA’s Ownership of Animals that have been Subjected to Animal Cruelty and have been Abandoned (the “Petition”), it is hereby ORDERED and DECREED that:

1. Respondents shall file an answer to the Petition within twenty (20) days of service of the Petition.
2. A Rule is issued upon the Respondents to show cause why the relief requested in the Petition should not be granted.

3. RULE RETURNABLE \_\_\_\_\_, 201\_\_ at \_\_\_\_ \_\_. m. in Court Room \_\_\_\_\_, [Courthouse address].

4. Failure to appear shall result in an Order terminating ownership of the animal(s) in question.

5. Petitioner shall serve a copy of this Order and the Petition on the Respondents in accordance with Pa. R.C.P. 400.1. First, Petitioner shall make a good faith effort to serve the Petition under Pa. R.C.P. 402 (personal service). If service has not been made under Rule 402, then Petitioner shall attempt service by both (i) a form of mail requiring a receipt signed by the Respondents, and (ii) posting a copy of this Order on the front door of the Respondents' residence from which the animal(s) in question were removed by Petitioner. Service shall be deemed complete upon Petitioner's compliance with this paragraph.

BY THE COURT:

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[Attorney Name], Esquire  
Attorney I.D. Number \_\_\_\_\_  
[Law Firm Name]  
[Address]  
[City, State, Zip Code]  
[Telephone Number]

Attorney for Petitioner

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**COURT OF COMMON PLEAS**  
\_\_\_\_\_ **COUNTY, PENNSYLVANIA**  
\_\_\_\_\_ **JUDICIAL DISTRICT**

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\_\_\_\_\_ SOCIETY FOR THE :  
PREVENTION OF CRUELTY TO ANIMALS :  
[Address] :  
[City, State, Zip Code] :

Petitioner :

vs. :

[Name of Respondent 1] :  
[Address] :  
[City, State, Zip Code] :

[Name of Respondent 2] :  
[Address] :  
[City, State, Zip Code] :

[Name of Respondent 3] :  
[Address] :  
[City, State, Zip Code] :

Respondents :

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CIVIL ACTION

**PETITION OF \_\_\_\_\_ SOCIETY FOR THE PREVENTION  
OF CRUELTY TO ANIMALS (“\_SPCA”) TO ESTABLISH THE  
\_SPCA’S OWNERSHIP OF CERTAIN ANIMALS THAT HAVE BEEN  
SUBJECTED TO ANIMAL CRUELTY AND HAVE BEEN ABANDONED**

The Petitioner herein, \_\_\_\_\_ Society for the Prevention of Cruelty to Animals (“\_SPCA”), by and through its attorneys, \_\_\_\_\_, hereby files the within Petition of \_\_\_\_\_ Society for the Prevention of Cruelty to Animals (“\_SPCA”) to Establish the \_SPCA’s Ownership of Certain Animals that have been Subjected to Animal Cruelty and have been Abandoned. PETITIONER REQUESTS A HEARING ON A RULE TO SHOW CAUSE AND, FOR THAT PURPOSE, A FORM OF SHOW CAUSE ORDER IS ATTACHED. In support thereof, Petitioner alleges that:

1. Petitioner, \_\_\_\_\_ Society for the Prevention of Cruelty to Animals (“\_SPCA”), is a Pennsylvania non-profit corporation whose headquarters are located at [Address, City, State, Zip Code].

2. The \_SPCA is organized, in part, to receive and investigate criminal complaints of animal cruelty, abuse, neglect or abandonment, and to prosecute suspects under the Animal Cruelty Law, 18 Pa. C.S.A. §5511.

3. The Humane Society Police Officers (“HSPOs”) maintained by the \_SPCA are empowered to enforce the Animal Cruelty Law, 18 Pa. C.S.A. §5511, by virtue of statutory authority conferred upon said Society’s officers upon the satisfaction of various criteria, 22 Pa. C.S. §§ 3704, 3705 and 18 Pa. C.S.A. §5511(i):

**POWER TO INITIATE CRIMINAL PROCEEDINGS.** An agent of any society or association for the prevention of cruelty to animals, incorporated under the laws of the Commonwealth, shall have the same powers to initiate criminal proceedings provided for police officers by the Pennsylvania Rules of Criminal Procedure.

The HSPOs are also authorized by the Dog Law, 3 P.S. §459-102, to perform “Dog Control,” which includes “apprehending, holding and disposing of stray or unwanted dogs.” Two of the animals that are the subject of this Petition are dogs. The other is a cat.

4. The HSPO involved in the investigation that is described in this Petition was authorized and commissioned within [County Name] and was sworn in by the Court of Common Pleas of \_\_\_\_\_ County.

5. The primary mission of the \_SPCA with respect to animals in their possession is to safely house, feed, care for, treat, provide elective veterinary care (such as sterilization) and to adopt out to loving families such animals. The \_SPCA also has the power to euthanize animals under certain circumstances, but the greatly preferred alternative is to adopt out the animals to loving families. To adopt out the animals, the \_SPCA needs clear title and ownership of the animals that are the subject of this Petition, and termination of any right, title and interest that the respondents may have had in these animals.

6. Respondent \_\_\_\_\_ is an individual whose last known address is \_\_\_\_\_.

7. Respondent \_\_\_\_\_ is an individual whose last known address is \_\_\_\_\_.

8. Respondent \_\_\_\_\_ is an individual whose last known address is \_\_\_\_\_.

9. During the past year, the \_SPCA’s Humane Society Police Officers investigated complaints of animal cruelty, neglect and abandonment that were alleged by third parties against the Respondents.

10. Two dogs and one cat were recovered by the HSPO from premises inhabited by the respondents pursuant to authority contained in §5511(l).

11. As set forth in the affidavit of Humane Society Police Officer [Name] that is attached hereto as Exhibit A, all of the animals that are the subject of this Petition were subjected to animal cruelty and were abandoned in violation of Pennsylvania law. 18 Pa. C.S.A. §5511(c) and 3 P.S. §459-601(c).

12. The \_SPCA has provided veterinary care, food and shelter for these animals. Such care is expensive. The \_SPCA should not be expected to continue to care for the animals for the rest of their lives, when adoption is a better alternative for both the animals and the \_SPCA. The \_SPCA wishes to put the animals up for adoption to good homes. However, in order to adopt out the animals, the \_SPCA must have ownership of the animals in order to convey good title to an adoptive family, free and clear of any later claim of ownership by the respondents. It is for this reason that the within Petition has been filed with the Court.

Two Pit Bull Mix Type Dogs and a cat removed from [Address, City, State, Zip Code]

13. On \_\_\_\_\_, 201\_, the \_\_\_\_\_ SPCA received a complaint regarding two barking dogs at the property [Address, City, State, Zip Code]. Neighbors stated that the occupants of the property had moved out several weeks previously. No one has been seen at the property since then. The dogs are starving and barking.

14. On \_\_\_\_\_, 201\_, Humane Society Police Officer \_\_\_\_\_ went to the property to investigate the complaint. In the back yard she found two dogs, emaciated and underweight. Feces and trash covered the yard. She took photos. The neighbor in front said no one had been at the property for several weeks and the dogs were barking all the time. HSPO \_\_\_\_\_ posted a notice for the animals' owner to contact her, and she left the property to obtain a warrant for the purpose of removing the animals.

15. On the afternoon of \_\_\_\_\_, 201\_, HSPO \_\_\_\_\_ returned to execute the search warrant that she had obtained. She entered the house and heard a cat shut in the bathroom. The house was empty and covered with trash and dirt. Officer \_\_\_\_\_ took pictures of the animals and of the premises. She removed the animals to the SPCA for veterinary care.

16. On \_\_\_\_\_, 201\_, Officer \_\_\_\_\_ received a call from [Respondent 1] and [Respondent 2] who said they owned one of the dogs. They had left her with a man named [Respondent 3] while they went to New Jersey for over a month to care for a grandmother. They did not know [Respondent 3] would leave. Officer \_\_\_\_\_ told them to come to the \_SPCA at [Address], but they never arrived or attempted to contact her further.

17. On \_\_\_\_\_, 201\_, because she had received no further contact from the owners of the animals, Officer \_\_\_\_\_ sent a certified mail letter of abandonment to [Address where animals were seized]. She also sent a regular mail letter of abandonment to the same address.

18. As of \_\_\_\_\_, 201\_, the \_\_\_\_\_ SPCA has received no contact from the animals' owners.

19. The \_\_\_\_\_ SPCA desires to adopt out the surviving animals, but it first must obtain good title in order to properly protect its own interests and to give good title to an adoptive family.

20. The affidavit of Officer \_\_\_\_\_ in support of the foregoing is attached hereto as Exhibit A.

### **ARGUMENT**

21. As indicated in the Officer's affidavit, the animals that she seized had been subjected to animal cruelty at the hands of the respondents, which is a crime under 18 Pa.

C.S.A. 5511(c). However, as indicated in the attached affidavit, the defendants have fled, thereby avoiding conviction for their crimes and forfeiture of the animals by statute, 18 Pa. C.S.A. 5511(m).

22. At this time, the \_SPCA is entitled to ownership of the animals because (i) the animals have been abandoned, (ii) the \_SPCA has spent, and continues to spend on a daily basis, time, effort and money in the housing, care, feeding and maintenance of the animals for which it has a statutory lien, and (iii) the respondents have been accorded ample due process of law with respect to any rights they may have had in the animals. Petitioner's Memorandum of Law, filed contemporaneously herewith, sets forth the legal basis of the Petition in detail.

The \_SPCA believes that it would be in the best interests of the animals and the community served by the \_SPCA for the Court to establish ownership in the \_SPCA of the animals that are the subject of this Petition, so that the \_SPCA may fulfill its mission by putting the animals up for adoption by a caring family.

WHEREFORE, the \_\_\_\_\_ Society for the Prevention of Cruelty to Animals prays for an Order of this Court establishing its ownership in the animals that are the subject of the within Petition by entry of an Order in the form attached hereto.

Respectfully submitted,

\_\_\_\_\_  
[Attorney Name], Esquire  
[Law Firm Name]  
[Address]  
[City, State, Zip Code]

Attorneys for Petitioner  
\_\_\_\_\_  
Society for the  
Prevention of Cruelty to Animals

[Attorney Name], Esquire  
Attorney I.D. Number \_\_\_\_\_  
[Law Firm Name]  
[Address]  
[City, State, Zip Code]  
[Telephone Number]

Attorney for Petitioner

---

**COURT OF COMMON PLEAS**  
\_\_\_\_\_ **COUNTY, PENNSYLVANIA**  
\_\_\_\_\_ **JUDICIAL DISTRICT**

---

\_\_\_\_\_ SOCIETY FOR THE :  
PREVENTION OF CRUELTY TO ANIMALS :  
[Address] :  
[City, State, Zip Code] :

CIVIL ACTION

Petitioner

vs.

[Name of Respondent 1] :  
[Address] :  
[City, State, Zip Code] :

[Name of Respondent 2] :  
[Address] :  
[City, State, Zip Code] :

[Name of Respondent 3] :  
[Address] :  
[City, State, Zip Code] :

Respondents

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**MEMORANDUM OF LAW IN SUPPORT OF THE PETITION  
OF \_\_\_\_\_ SOCIETY FOR THE PREVENTION OF  
CRUELTY TO ANIMALS (“\_SPCA”) TO ESTABLISH THE  
\_SPCA’S OWNERSHIP OF CERTAIN ANIMALS THAT HAVE BEEN  
SUBJECTED TO ANIMAL CRUELTY AND HAVE BEEN ABANDONED**

The Petitioner herein, \_\_\_\_\_ Society for the Prevention of Cruelty to Animals (“\_SPCA”), by and through its attorneys, \_\_\_\_\_ hereby files the within Memorandum of Law in Support of the Petition of \_\_\_\_\_ Society for the Prevention of Cruelty to Animals (“\_SPCA”) to Establish the \_SPCA’s Ownership of Certain Animals that have been Subjected to Animal Cruelty and have been Abandoned.

**STATEMENT OF FACTS**

Petitioner, \_\_\_\_\_ Society for the Prevention of Cruelty to Animals (“\_SPCA”), is a Pennsylvania non-profit corporation whose headquarters are located at [Address, City, State Zip Code].

The \_SPCA is organized, in part, to receive and investigate criminal complaints of animal cruelty, abuse, neglect or abandonment, and to prosecute suspects under the Animal Cruelty Law, 18 Pa. C.S.A. §5511.

The Humane Society Police Officers (“HSPOs”) maintained by the \_SPCA are empowered to enforce the Animal Cruelty Law, 18 Pa. C.S.A. §5511, by virtue of statutory authority conferred upon said Society’s officers upon the satisfaction of various criteria, 22 Pa. C.S. §§ 3704, 3705 and 18 Pa. C.S.A. §5511(i):

**POWER TO INITIATE CRIMINAL PROCEEDINGS.** An agent of any society or association for the prevention of cruelty to animals, incorporated under the laws of the Commonwealth, shall have the same powers to initiate criminal proceedings provided for police officers by the Pennsylvania Rules of Criminal Procedure.

The HSPOs are also authorized by the Dog Law, 3 P.S. §459-102, to perform “Dog Control,” which includes “apprehending, holding and disposing of stray or unwanted dogs.” Two of the animals that are the subject of this Petition are dogs. The other is a cat.

The HSPO involved in the investigation that is described in this Petition was authorized and commissioned within [Name of County] and was sworn in by the Court of Common Pleas of \_\_\_\_\_ County.

The primary mission of the \_SPCA with respect to animals in their possession is to safely house, feed, care for, treat, provide elective veterinary care (such as sterilization) and to adopt out to loving families such animals. The \_SPCA also has the power to euthanize animals under certain circumstances, but the greatly preferred alternative is to adopt out the animals to loving families. To adopt out the animals, the \_SPCA needs clear title and ownership of the animals that are the subject of this Petition, and termination of any right, title and interest that the respondents may have had in these animals.

During the past year, the \_SPCA’s Humane Society Police Officer investigated complaints of animal cruelty, neglect and abandonment that were alleged by third parties against the respondents.

In this case, three animals were recovered by the HSPO from premises inhabited by the respondents pursuant to authority contained in §5511(l), which authorizes a Humane Society Police Officer to obtain a search warrant and to seize an animal that is subject to animal cruelty, including abandonment, and to take it to the \_SPCA for care and treatment. In this case, a search warrant was obtained before the animals were taken.

As set forth in the affidavit of Humane Society Police Officer [Name] that is attached as Exhibit A to the Petition, each of the animals that is the subject of this Petition was

subjected to animal cruelty and was abandoned in violation of Pennsylvania law. 18 Pa. C.S.A. §5511(c) and 3 P.S. §459-601(c).

The \_SPCA has provided veterinary care, food and shelter for these animals. Such care is expensive. The \_SPCA should not be expected to continue to care for the animals for the rest of their lives, when adoption is a better alternative for both the animals and the \_SPCA. The \_SPCA wishes to put the animals up for adoption to good homes. However, in order to adopt out the animals, the \_SPCA must have ownership of the animals in order to convey good title to an adoptive family, free and clear of any later claim of ownership by the respondents. It is for this reason that the within Petition has been filed with the Court.

### **ARGUMENT**

In this case, the animals were subjected to animal cruelty at the hands of the respondents, which is a crime under 18 Pa. C.S.A. 5511(c). However, as indicated in the attached affidavit, the defendants have fled, thereby avoiding conviction for their crimes and forfeiture of the animals by statute, 18 Pa. C.S.A. 5511(m).

At this time, the \_SPCA is entitled to ownership of the animals because (i) the animals have been abandoned, (ii) the \_SPCA has spent, and continues to spend on a daily basis, time, effort and money in the housing, care, feeding and maintenance of the animals for which it has a statutory lien, and (iii) the respondents have been accorded ample due process of law with respect to any rights they may have had in the animals.

### **THE ANIMALS HAVE BEEN ABANDONED, AND THE \_SPCA MAY TAKE TITLE TO THEM**

In the above case, the animals were abandoned by their owners. In Pennsylvania, “abandonment” is a crime under both the Animal Cruelty Law, 18 Pa. C.S.A. §5511(c) and under the Pennsylvania Dog Law, 3 P.S. §429-601(c). Under Pennsylvania law, a dog is personal

property. Dog Law, 3 P.S. §429-601(a). Specifically, the Dog Law §459-601 provides, in pertinent part, as follows:

(a) DOGS TO BE PERSONAL PROPERTY. - - All dogs are hereby declared to be personal property and subjects of theft.

(c) ABANDONMENT OF ANIMALS BY OWNER. - -

(1) It shall be unlawful for any person to abandon or attempt to abandon any dog within the Commonwealth. Anyone convicted of abandoning or attempting to abandon any dog within the Commonwealth shall pay a fine of not less than \$300.00 and not more than \$1,000.00, plus costs.

Under well-established principles of Pennsylvania law, if property is abandoned, then a third party (in this case the \_SPCA) may claim ownership of such property. Under Pennsylvania law, cats are also personal property, Neefe v. Neefe, 16 Just. 16 (1900); The Cat and the Law, 12 Temple L.Q. 89 (1937). Wild animals are not subject to ownership until reduced to actual possession, custody or control, at which time such animals become personal property. 1 Pennsylvania Law Encyclopedia - Second Edition, “Property” §1. Reptiles and fish sold by pet stores, such as snakes, alligators, turtles and goldfish, are considered personal property. Therefore, the animals that are included in this Petition are personal property subject to abandonment under Pennsylvania law.

Under Pennsylvania law, property may be abandoned if there is “an actual and voluntary relinquishment of possession and ownership,” in which case “the property ceases to be the property of any person and becomes the subject of appropriation by the first taker.” 39 Pennsylvania Law Encyclopedia - Second Edition, “Property” § 31. In Fidelity – Philadelphia Trust Co. v. Lehigh Valley Coal Co., 294 Pa. 47, 143 A. 474 (1928), the Pennsylvania Supreme Court held that a decedent had abandoned and relinquished all title and interest in a culm bank when he deposited the culm on land owned by another person, the culm was valueless, and for an

extended period of time the decedent exercised no dominion over the culm and failed to prohibit others from taking from the culm bank. In Calhoon v. Neely, 201 Pa. 97, 50 A. 967 (1902), the Pennsylvania Supreme Court held that a lessee had abandoned an oil and gas lease which had a 15-year term when, after drilling a test well and finding no oil, the lessee removed its equipment and abandoned the site for 9 years. Then, a third-party drilled successfully, and the initial lessee returned, becoming “active at the sight of oil flowing from wells drilled by others.” The Court held that the initial lessee had abandoned the lease, stating:

Abandonment is a question of fact to be determined by the acts and intentions of the parties. An unexplained cessation of operations for the period involved in this case gives rise to a fair presumption of abandonment and, standing alone and admitted, would justify the court in declaring an abandonment as a matter of law.

More recently, the Pennsylvania Superior Court has held that a man abandoned a shotgun to the chief of police when he asked the chief to destroy or otherwise dispose of the gun, Commonwealth v. Wetmore, 301 Pa. Super. 370; 447 A.2d 1012 (Pa. Super. 1982). The U.S. Bankruptcy Court for the Eastern District of Pennsylvania has held that a coal company abandoned a quantity of silt that contained some coal after it deposited the silt on property owned by a third-party, did not segregate or mark the silt deposit, and did not claim an interest in the silt for an extended period of time, In re: G.M.P. Land Company, 33 B.R. 729 (Bankr. E. D. Pa. 1983).

In the instant case, the respondents have abandoned their animals by fleeing the premises, leaving the animals behind, and failing to claim them or otherwise respond to notices from a Humane Society Police Officer of the \_\_\_\_\_ SPCA. Under these circumstances, the \_\_\_\_\_ SPCA is entitled not only to seize the animals but also to become their owner.

In addition to the foregoing general principles of Pennsylvania law regarding abandonment, the Dog Law provides at 3 P.S. §459-102 the following definitions:

“ABANDON.” To forsake entirely or neglect or refuse to provide or perform the legal obligations for the care and support of an animal by its owner or its agent.

“ABANDONMENT.” Relinquishment of all rights and claims to an animal by its owner.

When taken together, these definitions indicate that, in circumstances where an animal owner will “neglect or refuse to provide or perform the legal obligations for the care and support of” its animal, then the animal will be deemed “abandoned;” and the consequence of such “abandonment” will be the “relinquishment of all rights and claims to” the animal by its owner. Thus, pursuant to the Dog Law and Neefe v. Neefe, the respondents in this case have “abandoned” their animals by failing to provide the legal obligations of care and support that they owed to such animals. As a consequence of such “abandonment,” they have relinquished all rights and claims to such animals pursuant to the Pennsylvania Dog Law, 3 P.S. §459-102 and Neefe v. Neefe. Therefore, the \_SPCA may properly assume ownership of the animals, may take over the obligations of care and support, and may dispose of them as it decides best, preferring adoption over euthanasia.

THE ANIMALS ARE SUBJECT TO A LIEN FOR THE COSTS AND EXPENSES OF THE \_SPCA WHICH ARE PAYABLE BY THE RESPONDENT; AND IT IS INEQUITABLE TO BURDEN THE \_SPCA WITH ONGOING COSTS AND EXPENSES WHEN THE MORE FAVORED ALTERNATIVE OF ADOPTION IS AVAILABLE.

The costs and expenses that the \_SPCA has incurred with respect to each of the animals gives the \_SPCA both an equitable right to the animals and a legal claim to the animals. The Animal Cruelty Law provides that the \_SPCA has a lien on the animals in the amount of the costs and expenses that the \_SPCA has incurred in housing, caring for and feeding the animals in each case where, as here, a search warrant is obtained before the animal is seized and removed to the \_SPCA for care and shelter, 18 Pa. C.S.A. 5511(l):

SEARCH WARRANTS. - - Where a violation of this section is alleged, any issuing authority may, in compliance with the applicable provisions of the Pennsylvania Rules of Criminal Procedure, issue to any police officer or any agent of any society or association for the prevention of cruelty to animals duly incorporated under the laws of this Commonwealth a search warrant authorizing the search of any building or any enclosure in which any violation of this section is occurring or has occurred, and authorizing the seizure of evidence of the violation including, but not limited to the animals which were the subject of the violation. Where an animal thus seized is found to be neglected or starving, the police officer or agent is authorized to provide such care as is reasonably necessary, and where an animal thus seized is found to be disabled, injured or diseased beyond reasonable hope of recovery, the police officer or agent is authorized to provide for the humane destruction of the animal. The cost of the keeping, care and destruction of the animal shall be paid by the owner thereof and claims for the costs shall constitute a lien upon the animal. (Emphasis added.)

In view of the extended time periods during which the \_SPCA has cared for the animals that are the subject of this Petition, the costs and expenses exceed the market value of the animals.

Therefore, the animals are unlikely to be reclaimed by the respondents. If respondents did try to reclaim the animals, they would be unable to do so unless they first paid the \_SPCA the dollar value of the costs and expenses that have been incurred by the \_SPCA and which constitute a lien on each of the animals 18 Pa. C.S.A. 5511(l). The \_SPCA submits that it is inequitable to burden the \_SPCA with ongoing costs to care for the animals when they could be adopted by responsible families.

THE RESPONDENTS HAVE BEEN ACCORDED DUE PROCESS OF LAW.

The \_\_\_\_\_ SPCA's operating procedures require its Humane Society

Police Officers to search for missing animal owners as follows:

- (i) check U.S. Post Office for forwarding address;
- (ii) check with neighbors and relatives, if any, for current location or forwarding address;

(iii) check jail records if neighbors or relatives indicate that the missing owner is in jail.

The Humane Society Police Officer followed these procedures to attempt to locate the missing owners who are the respondents in this matter.

The U.S. Constitution's Due Process Clause requires that a person whose property is being taken be provided with notice and opportunity to respond. Cleveland Board of Education v. Loudermill, 470 US 532 (1984). Also, the Pennsylvania Supreme Court has held that the basic elements of procedural due process are adequate notice, the opportunity to be heard, and the chance to defend oneself before a fair and impartial tribunal. Commonwealth of Pennsylvania vs. Wright, 599 Pa. 270, 293, 961 A.2d 119, 132 (2008); Commonwealth of Pennsylvania vs. Clayton, 546 Pa. 342, 351, 684 A.2d 1060, 1064 (1996); Parker vs. Kensington Hospital, 483 Pa. 106, 130, 394 A.2d 932, 945 (1978). This legal principle applies in connection with the taking and disposition of animals. Commonwealth v. Gonzalez, 403 Pa. Super. 157, 588 A.2d 528 (1991); but see, Commonwealth v. Barnes, 427 Pa. Super. 326, 629 A.2d 123 (1993).

The respondents have been accorded ample notice and an opportunity to claim their animal(s). The respondents have failed to do so. Now, the within Petition is being served on the respondents at their last known address from which the animals in question were removed by the \_SPCA. Service of the Petition provides the respondents with a final notice and opportunity to be heard in Court. Under all the circumstances of the case, the respondents have been accorded ample due process of law.

**CONCLUSION**

Based on the foregoing authority, this Court should establish ownership in the \_SPCA of the animals that are the subject of this Petition, so that the \_SPCA may fulfill its mission by putting the animals up for adoption by a caring family.

The \_\_\_\_\_ Society for the Prevention of Cruelty to Animals respectfully requests an order of this Court establishing its ownership in the animals that are the subject of the within Petition.

Respectfully submitted,

\_\_\_\_\_  
[Attorney Name], Esquire  
[Law Firm Name]  
[Address]  
[City, State, Zip Code]

Attorneys for Petitioner  
\_\_\_\_\_ Society for the  
Prevention of Cruelty to Animals



**ORDER**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_ 201\_, upon consideration of the Petition of The \_\_\_\_\_ Society for the Prevention of Cruelty to Animals (“\_SPCA”) to Establish the \_SPCA’s Ownership of Certain Animals that have been Subjected to Animal Cruelty and have been Abandoned (the “Petition”), no response thereto and after a hearing held thereon, it is hereby ORDERED and DECREED that the Petition is GRANTED, and it is further ORDERED that:

1. This Court finds that the two pit bull type dogs and one cat (Nos. A23774072, A23774121 and A23774153) seized from the property located at [Address, City State, Zip Code], are deemed abandoned, and all rights and interest of Respondents, [Names of Respondents 1, 2 and 3] or any individual or entity claiming under or through such Respondents, in the above listed animals are hereby forfeited; and all rights and interest in such animals are transferred to the \_\_\_\_\_ SPCA.

2. The \_\_\_\_\_ SPCA may exercise custody and ownership of said animals and dispose of the animals as it deems fit, without any recourse by any of the Respondents or any individual or entity claiming under or through the Respondents, whose rights in said animals are terminated.

BY THE COURT:

\_\_\_\_\_

[Attorney Name], Esquire  
Attorney I.D. Number \_\_\_\_\_  
[Law Firm Name]  
[Address]  
[City, State, Zip Code]  
[Telephone Number]

Attorney for Petitioner

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**COURT OF COMMON PLEAS**  
\_\_\_\_\_ **COUNTY, PENNSYLVANIA**  
\_\_\_\_\_ **JUDICIAL DISTRICT**

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\_\_\_\_\_ SOCIETY FOR THE :  
PREVENTION OF CRUELTY TO ANIMALS :  
[Address] :  
[City, State, Zip Code] :

CIVIL ACTION

Petitioner

vs.

[Name of Respondent 1] :  
[Address] :  
[City, State, Zip Code] :

[Name of Respondent 2] :  
[Address] :  
[City, State, Zip Code] :

[Name of Respondent 3] :  
[Address] :  
[City, State, Zip Code] :

Respondents

---

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the Petition of the \_\_\_\_\_  
Society for the Prevention of Cruelty to Animals (“\_SPCA”) to Establish the \_SPCA’s  
Ownership of Certain Animals that have been Subjected to Animal Cruelty and have been  
Abandoned (the “Petition”) and the Court’s Rule to Show Cause Order (“Order”) will be served  
by me upon the following after the Court enters the Order:

[Respondent 1’s Name Address, City, State, Zip Code]

[Respondent 2’s Name Address, City, State, Zip Code]

[Respondent 3’s Name Address, City, State, Zip Code]

Respectfully submitted,

\_\_\_\_\_  
[Attorney Name], Esquire  
[Law Firm Name]  
[Address]  
[City, State, Zip Code]

Attorneys for Petitioner  
\_\_\_\_\_  
Society for the  
Prevention of Cruelty to Animals