

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

In Re: Establishment of :
Independent School District :
Consisting of the Borough of :
Wheatland, Mercer County, : No. 687 C.D. 2003
Pennsylvania :
:
:
Appeal of: Borough of Wheatland :

ORDER

AND NOW, this 4th day of May, 2004, upon consideration of Appellee's Application for Reargument and response thereto in the above-captioned matter, the Application is granted for the limited purpose of correcting the designation of the Borough of Wheatland as the Appellant/Petitioner in the opinion filed on February 27, 2004. The opinion is amended to read as follows:

On page 1, the opening sentence shall read: **Residents and taxpayers (collectively Petitioners)** of the Borough of Wheatland (Borough) **appeal** an order of the Court of Common Pleas of Mercer County (trial court) dismissing **their** petition to establish an independent school district pursuant to Section 242.1(a) of the Public School Code of 1949 (Public School Code).¹

On page 4, the third sentence of the first full paragraph shall read as follows: On December 13, 2002, **Petitioners**⁴ filed a petition with the Prothonotary of Mercer County (Petition) containing 244 signatures seeking to establish an independent school district to transfer the Borough from FASD to Middlesex Area School District.

On page 6, the first sentence of the first full paragraph shall read as follows: **Petitioners argue** that the trial court erred by placing the burden on **them** to prove the legitimacy of each and every signature on the Petition rather than giving those signatures presumptive validity.

On page 6, footnote 8 shall be deleted.

JAMES GARDNER COLINS, PRESIDENT JUDGE