



REGISTER OF WILLS/
CLERK OF ORPHANS' COURT

BERKS COUNTY

AUDIT REPORT

FOR THE PERIOD

JANUARY 1, 2002 TO DECEMBER 31, 2005

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Independent Auditor's Report

Mr. Thomas W. Wolf
Acting Secretary
Department of Revenue
Harrisburg, PA 17128

We have audited the accompanying statements of receipts and disbursements – cash basis of the Register of Wills/Clerk of Orphans' Court, Berks County, Pennsylvania (County Officer), for the period January 1, 2002 to December 31, 2005, pursuant to the requirements of Sections 401(b), 401(d), and 902 of *The Fiscal Code*. These financial statements are the responsibility of the county offices' management. Our responsibility is to express an opinion on these statements based on our audit.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America and *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

As described more fully in Note 1, the accompanying financial statements were prepared using accounting practices prescribed by the Pennsylvania Department of Revenue, which practices differ from accounting principles generally accepted in the United States of America. The effects on the financial statements of the variances between these regulatory accounting practices and accounting principles generally accepted in the United States of America, although not reasonably determinable, are presumed to be material. The financial statements present only the Commonwealth portion of cash receipts and disbursements and are not intended to present fairly the financial position and results of operations of the County Officer, in conformity with accounting principles generally accepted in the United States.

Independent Auditor's Report (Continued)

In our opinion, because of the effects of the matter discussed in the preceding paragraph, the financial statements referred to above do not present fairly, in conformity with accounting principles generally accepted in the United States of America, the financial position of the County Officer, as of December 31, 2005, the changes in its financial position, or, where applicable, its cash flows for the period then ended.

In our opinion, the financial statements referred to above present fairly, in all material respects, the operations of the County Officer as it pertains to receipts made on behalf of the Department of Revenue, for the period January 1, 2002 to December 31, 2005, on the basis of accounting described in Note 1.

In accordance with *Government Auditing Standards*, we have also issued our report dated January 11, 2007, on our consideration of the County Officer's internal control over financial reporting and on our tests of its compliance with certain provisions of laws and regulations. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* and should be read in conjunction with this report in considering the results of our audit.

This report is intended solely for the information and use of the Pennsylvania Department of Revenue, the Administrative Office of Pennsylvania Courts, and the County Officer and is not intended to be and should not be used by anyone other than these specified parties.

January 11, 2007

JACK WAGNER
Auditor General

REGISTER OF WILLS
 BERKS COUNTY
 STATEMENT OF RECEIPTS AND DISBURSEMENTS – CASH BASIS
 FOR THE PERIOD
 JANUARY 1, 2002 TO DECEMBER 31, 2005

Receipts:

| | | |
|--|----|---------------------|
| Inheritance Taxes (Note 2) | \$ | 83,260,958 |
| Disbursements and credits to Department of Revenue (Note 4) | | <u>(83,260,958)</u> |
| Balance due Department of Revenue (County) per settled reports (Note 5) | | - |
| Audit adjustments | | <u>-</u> |
| Adjusted balance due Department of Revenue (County) for the period January 1, 2002 to December 31, 2005 | \$ | <u><u>-</u></u> |

Notes to the financial statements are an integral part of this report.

CLERK OF ORPHANS' COURT
 BERKS COUNTY
 STATEMENT OF RECEIPTS AND DISBURSEMENTS – CASH BASIS
 FOR THE PERIOD
 JANUARY 1, 2002 TO DECEMBER 31, 2005

Receipts:

| | | |
|--|-----------|------------------|
| Marriage License Taxes | \$ | 4,848 |
| Marriage License Application Surcharges | | 96,960 |
| Marriage License Declaration Fees | | 96,960 |
| Judicial Computer System/Access To Justice Fees | | <u>60,275</u> |
| Total receipts (Note 2) | | 259,043 |
| Disbursements to Department of Revenue (Note 4) | | <u>(259,048)</u> |
| Balance due Department of Revenue (County) per settled reports (Note 5) | | (5) |
| Audit adjustments | | <u>-</u> |
| Adjusted balance due Department of Revenue (County) for the period January 1, 2002 to December 31, 2005 | <u>\$</u> | <u>(5)</u> |

Notes to the financial statements are an integral part of this report.

REGISTER OF WILLS/
CLERK OF ORPHANS' COURT
BERKS COUNTY
NOTES TO THE FINANCIAL STATEMENTS
FOR THE PERIOD
JANUARY 1, 2002 TO DECEMBER 31, 2005

1. Summary Of Significant Accounting Policies

Basis Of Presentation

The financial statements were prepared in accordance with the requirements of the Pennsylvania Department of Revenue. These financial statements are not intended to present either financial results of operations or financial position in conformity with generally accepted accounting principles.

Basis Of Accounting

The financial statements were prepared on the cash basis of accounting. Under this method, revenues were recognized when received and expenditures were recognized when paid.

Audit Requirement

The financial presentation has been prepared in accordance with Title 72 P.S. Section 401 (b) of *The Fiscal Code*, which requires the Department of the Auditor General to determine whether all money collected on behalf of the Commonwealth has been remitted properly and to provide the Department of Revenue with a report to enable them to settle an account covering any delinquency. A statement of assets and liabilities was not a required part of the financial presentation because of the limited reporting scope by the Register of Wills/Clerk of Orphans' Court. Therefore, a statement of assets and liabilities was not audited and is not a part of this report.

2. Receipts

Register Of Wills

Receipts consist of monies collected on behalf of the Department of Revenue. These include monies collected for the following taxes and fees:

- Inheritance Taxes represent inheritance taxes filed with the Register of Wills.

REGISTER OF WILLS/
CLERK OF ORPHANS' COURT
BERKS COUNTY
NOTES TO THE FINANCIAL STATEMENTS
FOR THE PERIOD
JANUARY 1, 2002 TO DECEMBER 31, 2005

2. Receipts (Continued)

Register Of Wills (Continued)

- Judicial Computer System/Access To Justice Fees represent fees (\$5.00 for filings prior to November 1, 2002 and \$10.00 for filings afterwards) imposed for the initiation of any civil action or legal proceeding, including the filing of petitions for grants of letters, and first filing in petitions concerning adoptions, incompetents' estates, minors' estates, and inter vivos trusts.

For the purpose of reporting the collection of Judicial Computer System/Access To Justice Fees to the Department of Revenue, the office combined the Register of Wills and Clerk of Orphans' Court collections and reported them on the Clerk of Orphans' Court's monthly report. Therefore, the amount reported on the Clerk of Orphans' Court's statement of receipts and disbursements includes the fees collected for the office of the Register of Wills.

Clerk Of Orphans' Court

Receipts consist of monies collected on behalf of the Department of Revenue. These include monies collected for the following taxes, surcharges, and fees:

- The Marriage License Tax is a \$.50 tax on all marriage licenses filed with the Clerk of Orphans' Court.
- The Marriage License Application Surcharge is a \$10.00 surcharge imposed on all marriage license applications.
- The Marriage License Declaration Fees is a \$13.00 fee imposed for the issuance of a marriage license or declaration and for returns thereof to the Department of Health, \$2.50 of which shall be for the use of the county where the license is issued, and \$.50 for the use of the Commonwealth (Marriage License Tax), plus \$10.00 (Marriage License/Declaration Fees). The financial statement only reflects the portion collected on behalf of the Commonwealth.

REGISTER OF WILLS/
 CLERK OF ORPHANS' COURT
 BERKS COUNTY
 NOTES TO THE FINANCIAL STATEMENTS
 FOR THE PERIOD
 JANUARY 1, 2002 TO DECEMBER 31, 2005

2. Receipts (Continued)

Clerk Of Orphans' Court (Continued)

- Judicial Computer System/Access To Justice Fees represent fees (\$5.00 for filings prior to November 1, 2002 and \$10.00 for filings afterwards) imposed on all petitions for grant of letters, and first filings in petitions concerning adoptions, incompetents' estates, minors' estates, and inter vivos trusts.

3. Commissions

Acting in the capacity of an agent for the Commonwealth, the county office is paid a commission for collection of Inheritance Taxes. Effective January 1, 1988, the commission rate is 4.25 percent of \$1.00 to \$200,000.00 collected; 1.75 percent of \$200,000.01 to \$1,000,000.00 collected; and .5 percent of all collections in excess of \$1,000,000.00. During the period under review, the County was paid \$ 487268.36 by the Department of Revenue which is not reflected in the financial statement.

4. Disbursements And Credits To Department Of Revenue

Register Of Wills

Inheritance Taxes

The Register of Wills participates in the Department of Revenue's cash management system for Inheritance Taxes. Under this system, the "Agent" deposits Inheritance Tax collections to a local account approved and established in the name of the Department of Revenue, thereby eliminating the need for the agent to issue a check to disburse these taxes.

Disbursements and Credits

Total disbursements and credits are comprised as follows:

| | |
|---|---------------|
| Deposits into the Department of Revenue's cash management account | \$ 83,258,728 |
| Credits issued by the Department of Revenue | 2,230 |
| Total | \$ 83,260,958 |

REGISTER OF WILLS/
CLERK OF ORPHANS' COURT
BERKS COUNTY
NOTES TO THE FINANCIAL STATEMENTS
FOR THE PERIOD
JANUARY 1, 2002 TO DECEMBER 31, 2005

4. Disbursements And Credits To Department Of Revenue (Continued)

Clerk Of Orphans' Court

Total disbursements are comprised of checks to the Department of Revenue.

5. Balance Due Department Of Revenue (County) For The Period January 1, 2002 To December 31, 2005

This balance reflects a summary of monthly transmittal reports as settled by the Department of Revenue.

6. County Officer Serving During Audit Period

Larry Medaglia served as Register of Wills/Clerk of Orphans' Court during the period January 1, 2002 to December 31, 2005.

Report On Compliance And On
Internal Control Over Financial Reporting

Mr. Thomas W. Wolf
Acting Secretary
Department of Revenue
Harrisburg, PA 17128

We have audited the statements of receipts and disbursements – cash basis of the Register of Wills/Clerk of Orphans’ Court, Berks County, Pennsylvania (County Officer), for the period January 1, 2002 to December 31, 2005, and have issued our report thereon dated January 11, 2007. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States.

Compliance

As part of obtaining reasonable assurance about whether the County Officer’s financial statements are free of material misstatement, we performed tests of its compliance with certain provisions of laws and regulations, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance that are required to be reported under *Government Auditing Standards*.

Internal Control Over Financial Reporting

In planning and performing our audit, we considered the County Officer’s internal control over financial reporting in order to determine our auditing procedures for the purpose of expressing our opinion on the financial statements and not to provide assurance on the internal control over financial reporting. Our consideration of the internal control over financial reporting would not

Report On Compliance And On
Internal Control Over Financial Reporting (Continued)

necessarily disclose all matters in the internal control over financial reporting that might be material weaknesses. A material weakness is a condition in which the design or operation of one or more of the internal control components does not reduce to a relatively low level the risk that misstatements in amounts that would be material in relation to the financial statements being audited may occur and not be detected within a timely period by employees in the normal course of performing their assigned functions. We noted no matters involving the internal control over financial reporting and its operation that we consider to be material weaknesses.

This report is intended solely for the information and use of the Pennsylvania Department of Revenue, the Administrative Office of Pennsylvania Courts, and the County Officer and is not intended to be and should not be used by anyone other than these specified parties.

January 11, 2007

JACK WAGNER
Auditor General

REGISTER OF WILLS/
CLERK OF ORPHANS' COURT
BERKS COUNTY
REPORT DISTRIBUTION
FOR THE PERIOD
JANUARY 1, 2002 TO DECEMBER 31, 2005

This report was initially distributed to:

Mr. Thomas W. Wolf
Acting Secretary
Department of Revenue

The Honorable Zygmunt Pines
Court Administrator of Pennsylvania
Supreme Court of Pennsylvania
Administrative Office of Pennsylvania Courts

Register of Wills/
Clerk of Orphans' Court
Berks County
Berks County Courthouse
Reading, PA 19601

| | |
|---------------------------------|---|
| The Honorable Larry Medaglia | Register of Wills/Clerk of Orphans' Court |
| The Honorable Sandy Graffius | Controller |
| The Honorable Judith L. Schwank | Chairwoman of the Board of Commissioners |

This report is a matter of public record. Copies of this report may be obtained from the Pennsylvania Department of the Auditor General, Office of Communications, 318 Finance Building, Harrisburg, PA 17120. If you have any questions regarding this report or any other matter, you may contact the Department of the Auditor General by accessing our website at www.auditorgen.state.pa.us.