

**THIS IS NOT AN ARBITRATION
MATTER. AN ASSESSMENT OF
DAMAGES HEARING IS NOT
REQUIRED.**

**[By: Attorney
Bar No.
Email Address
Firm Name
Street Address
Telephone Number]**

[Petitioner]	:	
	:	COURT OF COMMON PLEAS
Petitioner,	:	
	:	PHILADELPHIA COUNTY
v.	:	
	:	CIVIL TRIAL DIVISION
[Owner(s) of Property at Issue]	:	_____ TERM, 20__
	:	
Respondent(s).	:	No.: _____

PETITION FOR THE APPOINTMENT OF A CONSERVATOR

Petitioner, _____, by and through counsel, respectfully petitions this Court to appoint a conservator to take possession and to undertake the rehabilitation of certain property, and in support thereof avers as follows:

JURISDICTION AND VENUE

1. This Court has jurisdiction pursuant to the Abandoned and Blighted Property Conservatorship Act, P.L. 1672, No. 135, 68 P.S. § 1101 *et seq.* (2008) (the “Act”).

2. The Property is located in Philadelphia County, Pennsylvania and venue is pursuant to Section 1104(a) of the Act because the Property is located in Philadelphia County, Pennsylvania.

PROPERTY

3. The Property subject to this Petition is a **[Residential/commercial/industrial]** building located at:

_____, BRT No. _____

(the “Property”). A Copy of Deed is attached as Exhibit “A;” the Title Report is attached as Exhibit “B;” and the Legal Description is attached as Exhibit “C.”

PETITIONER

4. Petitioner is [the owner] [a lienholder or other secured creditor of the owner] [a resident or business owner within 500 feet of the building] [a nonprofit corporation within the City and County of Philadelphia that has as one of its purposes to create and stimulate economic development while improving the quality of life for residents within the _____ community, where the Property is located], a party in interest, as defined by Section 1103 of the Act.

5. **[Petitioner]** has participated in the following projects **[if proposed Conservator is a nonprofit corporation, add: within a one-mile radius of the Property]: [List in detail the qualifying projects petitioner has participated in.]**

RESPONDENT

6. The Petitioner avers that the property is owned by _____ (the “Owner(s)”). The name of the record owner on the last recorded deed is:

[If the owner is an individual, describe efforts made by the Petitioner to identify the owner of the property and to determine whether the owner is deceased and if so, efforts to locate the deceased owner's heirs.]

[If the owner is a corporation or other legal entity, describe efforts made by the Petitioner to determine whether the corporation, partnership, fictitious entity or other business entity, its successors and/or assigns is/are active].

7. The Owner has not vacated the Property to perform military service in time of war or armed conflict or in order to assist with relief efforts during a declared federal or state emergency as a member of the United States Armed Forces or reserve.

8. The Property is not held in trust for the federal government and regulated under the United States Housing Act of 1937, 50 Stat. 888, 42 U.S.C. § 1437 *et. seq.*

LIENHOLDERS AND OTHER SECURED CREDITORS

9. Petitioner has identified the following lienholders and other secured creditors with a potential interest in the Property through an examination of the title report for the Property and any additional search or sources necessary to identify the lienholders and other secured creditors, their addresses, as well as the identities and addresses of any successors and/or assigns:

[List the name and address of all lienholders and other secured creditors or attach as exhibit].

See Title Report, Ex. "B," **[include and attach other search or sources used to identify the lienholders and secured creditors]:**

CONDITIONS FOR CONSERVATORSHIP

10. The Property has not been legally occupied for at least twelve (12) months before the date of the filing of this Petition. **[Add any relevant description.]**

11. The Property has not been actively marketed during the sixty (60) days before the date of the filing of this Petition. **[Describe efforts and attach relevant documents]**

12. No "For Sale" sign has been placed on or in front of the Property during the sixty (60) days before the date of the filing of this Petition. **[Describe efforts and attach relevant documents]**

13. The Property has not been advertised as for sale through distributed print advertisements, print or electronic media, or through engagement of a real estate professional **[for residential property add: to place the Property in a Multiple Listing Service or]** to otherwise market the Property. **[Add any relevant description.]**

14. According to inspection of public records, the Property appears not to be subject to an existing foreclosure action.

15. According to inspection of public records, **[Owner]** has not acquired the Property within the preceding six (6) months prior to the date of the filing of this Petition.

16. To the best of the petitioner's knowledge, the property meets the conditions for conservatorship set forth in Section 1105(d).

[Although not required at the pleading stage, it is suggested that, to the extent available, the petitioner attach documents or include specific factual averments establishing at least three (3) of the items set forth in Section 1105 (d)(5)].

PROPOSED CONSERVATOR

17. Petitioner recommends that _____ **[Name of proposed conservator]** be appointed Conservator. The proposed Conservator has the financial resources and experience to properly rehabilitate the Property. **[Explain and provide detail concerning the proposed Conservator’s financial resources and experience.][If a non-profit Corporation is the proposed Conservator, attach a Certification to Serve as Conservator and required documentation as set forth in General Court Regulation No. 2009-01.]**

18. Petitioner’s Preliminary Plan with initial cost estimates for rehabilitation of the Property to bring it into compliance with all municipal codes and duly adopted plans for the area in which the Property is located and anticipated funding sources are attached as Exhibit ____.

[Briefly describe the preliminary plan.]

LIS PENDENS

19. Petitioner will serve or provide notice of the filing of this Petition as provided in General Court Regulation No. 2009-01 and as otherwise ordered by the Court.

20. As required by 68 P.S. § 1104 (c), Petitioner shall file a *Lis Pendens*, substantially in the form attached hereto as Exhibit ____, with the City of Philadelphia Department of Records and shall thereafter file a file-stamped copy with the Prothonotary.

WHEREFORE, Petitioner prays for the following relief:

1. Issue an Order to Show Cause, *inter alia*, as to why a Conservator should not be appointed to abate the public nuisance and rehabilitate [or demolish], as alleged and ultimately proven, at the Property located at _____;

2. Appoint a Conservator as authorized by the Abandoned and Blighted Property Conservatorship Act; and

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3. Grant such other and additional relief as may be just and appropriate.

Dated: _____

Respectfully submitted

VERIFICATION OF PETITIONER

I, _____, hereby state:

1. I am **[Title]** for **[Petitioner]**, Petitioner in this action;

2. I verify that the statements contained in the foregoing Petition to Appoint a Conservator are true and correct to the best of my knowledge, information, and belief; and

3. I understand that the statements in the Petition to Appoint a Conservator are subject to the penalties of 18 Pa. C.S.A. § 4904 relating to unsworn falsification to authorities.

[Title]
[Petitioner]

Dated: _____, 20____

CERTIFICATION TO SERVE AS CONSERVATOR

The undersigned, being the _____ of the Board of _____ (“the Corporation”), a Pennsylvania non-profit corporation:

1. Certifies that the matters herein certified will be relied upon by the Court of Common Pleas of Philadelphia County, in considering the Corporation’s petition to be appointed Conservator under 68 P.S. § 1101-11.
2. Certifies that on _____ the Internal Revenue Service granted the Corporation tax-exempt nonprofit status under § 501(c)(3) of the Internal Revenue Code.
3. Certifies that the Corporation is eligible to receive a Certificate of Good Standing from the Pennsylvania Department of State.
4. Understands the Conservator’s requirements to report to the Court and agrees to comply with these requirements.
5. Is familiar with all currently effective agreements to which the Corporation is party or by which it is bound (“Existing Agreements”).
6. Knows of no provision in any Existing Agreements, or in the Corporation’s Articles of Incorporation or Bylaws, which would be contravened by any actions or undertakings of the Corporation required if the Court appoints the Corporation as Conservator.
7. Knows of no suit, action or proceedings of any kind including proposed changes in zoning either pending or threatened against or affecting the Corporation or which brings into question the validity of the transactions contemplated by the preliminary plan for the Conservatorship, required by 68 P.S. § 1104(b)(3).
8. Has reviewed the minutes and Bylaws of the Corporation.
9. Certifies that the Corporation has passed a resolution authorizing its acceptance of a Court appointment of Conservator and is authorized to perform all of the duties required of a Conservator. (See “Exhibit A” attached.)

ATTEST: [Corporation]

_____ By: _____
 Name: _____
 Title: _____

Executed: _____

EXHIBIT A
RESOLUTION

[Must attach a copy of the corporate resolution authorizing the Corporation's acceptance of a Court appointment as Conservator and authorizing the Corporation to perform all of the duties required of a Conservator]

FIRST JUDICIAL DISTRICT OF PENNSYLVANIA

[Petitioner] :
: COURT OF COMMON PLEAS
Petitioner, :
: PHILADELPHIA COUNTY
v. :
: CIVIL TRIAL DIVISION
[Owner(s) of Property at Issue] :
: _____ TERM, 20__
Respondent(s). : No.:_____

NOTICE OF FILING OF A PETITION FOR THE APPOINTMENT OF A CONSERVATOR

A petition has been filed under the Abandoned and Blighted Property Conservatorship Act, 68 P.S. §§ 1101-1111 (2008), for appointment of a Conservator to take possession of and rehabilitate or demolish the property located at:

_____, BRT No. _____.

A hearing on the Petition for the Appointment of a Conservator will be scheduled by the Court. As required by General Court Regulation No. 2009-01, the Petitioner shall serve or mail a copy of this Notice, the Petition for the Appointment of a Conservator together with all exhibits, and a copy of the court order scheduling a hearing. A copy of this Notice (without the Petition for the Appointment of a Conservator, exhibits or court order) will also be posted at the property.

YOU ARE RECEIVING THIS NOTICE BECAUSE PUBLIC RECORDS REVEAL THAT YOU MAY BE ONE OF THE FOLLOWING:

Owner of Property at issue. If you are the record owner or an owner claiming a right to title to the premises and want to be heard in this matter, you must file an answer as required by the Court order referenced above. If you do not file an answer, the court may proceed without you and you may lose your rights to the property. A conservator may be appointed to take possession of the property, incur expenses that will be a lien against the property, and sell the property. You will still be responsible for your obligations as the owner, including expenses incurred by the conservator.

Lienholder/Secured Creditors. If you are a lienholder or other secured creditor and want to be heard in this matter, you must file a petition to intervene as required by the Court order referenced above and may seek to be appointed as Conservator. If you do not file an answer, the court may proceed without you and you may lose your rights to the property. A conservator may be appointed to take possession of the property, incur expenses that will be a lien against the property, and sell the property. The conservator lien may have priority over your lien or other rights.

The City of Philadelphia. As the political subdivision in which the property is located, the City of Philadelphia may file a petition to intervene as required by the Court order referenced above and may seek to be appointed as the conservator.

You should take this paper to your lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the office below to find out where you can get legal help.

*Philadelphia Bar Association
Lawyer Referral and Information Service
1101 Market Street, 11th Floor
Philadelphia, Pennsylvania 19107
(215) 238-6333 TTY (215) 451-6197*

Lleve esta demanda a un abogado inmediatamente. Si no tiene abogado o si no tiene el dinero suficiente de pagar tal servicio, vaya en persona o llame por telefono a la oficina cuya direccion se encuentra escrita abajo para averiguar donde se puede conseguir asistencia legal.

*Asociacion de Licenciados de Filadelfia
Servicio de Referencia e Informacion
Legal
1101 Market Street, 11th Floor
Filadelfia, Pennsylvania 19107
(215) 238-6333 TTY (215) 451-6197*

FIRST JUDICIAL DISTRICT OF PENNSYLVANIA

[Petitioner] :
Petitioner, : COURT OF COMMON PLEAS
v. : PHILADELPHIA COUNTY
[Owner(s) of the Property at Issue] : CIVIL TRIAL DIVISION
Respondent(s). : _____ TERM, 20__
No.: _____

ORDER FOR RULE TO SHOW CAUSE

AND NOW, this ____ day of _____, 20__, upon consideration of the Petition for the Appointment of a Conservator pursuant to the Abandoned and Blighted Property Conservatorship Act, 68 P.S. § 1101 et seq. (P.L. 1672, No. 135), it appearing that a prima facie showing of entitlement to the relief requested concerning the property located at:

_____, BRT No. _____

has been made, it is hereby ORDERED and DECREED that:

1. As required by General Court Regulation No. 2009-01, the Petitioner shall promptly:

- a) Post a copy of the Notice of Filing of a Petition for the Appointment of a Conservator at the property;
b) Serve a copy of the Notice, Petition and all exhibits, and this Order on the owner(s) as required by Pa. R.C.P. No. 400.1 and file a return of service as soon as possible upon service;
c) Mail a copy of the Notice, Petition and all exhibits, and this Order by registered or certified mail on the City of Philadelphia at [include address] and shall file a return of service as soon as possible upon service. Service may also be accomplished as provided by Pa. R.C.P. No. 400.1;
d) Mail a copy of the Notice, Petition and exhibits, and this Order to all lienholders and other secured creditors as identified in the Petition, by registered or certified mail, to their last known address, and file a return of service as soon as possible upon service. Service may also be accomplished as provided by Pa. R.C.P. No. 400.1. The lienholders and other secured creditors as identified in the Petition are:

[List here the name of all lienholders and other secured creditors or as attachment]

1. As required by 68 P.S. § 1104 (c), the Petitioner shall file a *Lis Pendens* with the City of Philadelphia Department of Records and a copy with the Prothonotary;

2. Unless otherwise provided upon petition, the owner may file an Answer to the Petition on or before _____ [approximately 60 days];

3. Unless otherwise provided upon petition, the City of Philadelphia, lienholders, other secured creditors, and any other “party in interest” as defined in 68 P.S. § 1103 may file a Petition to Intervene pursuant to Pa. R.C.P. 2236 et seq. on or before _____ [approximately 60 days];

4. Answers and responses to any Petitions to Intervene must be filed on or before _____ [approximately 90 days];

5. As required by the Act, a hearing will be held on _____ [within 120 days of the filing of Petition] at __ o’clock __M __, in Courtroom ____, City Hall, to determine whether the conditions for conservatorship have been met, whether a conservator should be appointed, who should be appointed as conservator, and/or whether other appropriate relief should be granted; and

6. At any time, the Court may appoint a master-judge *pro tem* to review the pleadings filed, conduct any hearing or status hearing authorized by Act 135 and this General Court Regulation, and issue orders or recommendations as directed by the Court and as may otherwise be necessary. Court costs necessary for the payment of the master-judge *pro tem* must be deposited with the Prothonotary by the Petitioner or Conservator as may be ordered from time to time by the Court.

BY THE COURT

J.

**[By: Attorney
Bar No.
Email Address
Firm Name
Street Address
Telephone Number]**

[Petitioner]

Petitioner,

v.

[Owner(s) of Property at Issue]

Respondent(s)

:
:
: COURT OF COMMON PLEAS
: OF PHILADELPHIA COUNTY
:
:
: CIVIL TRIAL DIVISION
:
: TERM: _____ 20____
: No.: _____

LIS PENDENS

To The Recorder of Deeds:

Kindly enter the above action as a *Lis Pendens* against the property located at:

_____, BRT No. _____ and

meeting the following legal description (the "Property"):

[Include property description in indented paragraph or as attachment.]

I do hereby certify that this action involves title to real estate. It seeks appointment of a conservator to take possession and to undertake the rehabilitation [or demolition] of the Property pursuant to the Abandoned and Blighted Property Conservatorship Act, P.L. 1672, No. 135, 68 P.S. § 1101 *et seq.* (2008).

Attorney for Petitioner