

**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA**  
**IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY**

**President Judge General Court Regulation No. 2006-01**

**In Re: Adoption of Philadelphia Civil Rules**  
**229.1 and \*3129.2(b)(1)**

**ORDER**

AND NOW, this 29th day of March, 2006, the Board of Judges of Philadelphia County having voted at the Board of Judges' meeting held on February 16, 2006 to adopt Philadelphia Civil Rules 229.1 and \*3129.2(b)(1), IT IS HEREBY ORDERED that Philadelphia Civil Rules 229.1 and \*3129.2(b)(1) are adopted as attached hereto.

This General Court Regulation is issued in accordance with Pa.R.C.P. No. 239 and shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*. As required by Rule 239, the original General Court Regulation shall be filed with the Prothonotary in a Docket maintained for General Court Regulations issued by the President Judge of the Court of Common Pleas of Philadelphia County, and copies shall be submitted to the Administrative Office of Pennsylvania Courts for publication on its website, and the Civil Procedural Rules Committee. Copies of the Order shall also be submitted to American Lawyer Media, *The Legal Intelligencer*, Jenkins Memorial Law Library, and the Law Library for the First Judicial District of Pennsylvania, and posted on the website of the First Judicial District: <http://courts.phila.gov>.

BY THE COURT:

*/s/ C. Darnell Jones, II*

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**Honorable C. Darnell Jones, II**  
PRESIDENT JUDGE,  
COURT OF COMMON PLEAS OF  
PHILADELPHIA COUNTY

***Philadelphia Civil Rule 229.1 Settlement Recommendations, Demands and Offers.***

From time to time, a judge may recommend a settlement amount, and a party may make a settlement demand or offer. Any settlement amount, demand or offer made shall be communicated forthwith to the client by his, her or its counsel.

**Adopted by the Board of Judges on February 16, 2006.**

## Philadelphia Civil Rule \*3129.2(b)(1)

(A) For the purpose of Pa. R. C.P. 3129.2 (b)(1), which specifies the contents of the handbills required to be posted by the Sheriff, and for the purpose of Pa. R. C.P. 3129.2(d), which requires the publication in newspapers of the information contained in the handbill, the requirement of "a brief description of the property to be sold, its location [and] any improvements" shall be satisfied, in the case of Residential Properties consisting of four (4) units or less, by providing the following information:

- (a) for "location": the street address of the property with the zip code, extended zip code if available, and ward number;
- (b) for "a brief description of the property" : the approximate size of the property in square feet or acres and the Philadelphia Board of Revision of Taxes (BRT) account number - designated as follows: "BRT # XXXXXXXXXX"; and
- (c) for "improvements": the words "Residential Property."

(B) Plaintiff, when preparing a Writ of Execution for transmission to the Sheriff, shall include therein a description which conforms to the requirements of this Rule.

(C) The Sheriff's conditions for sale shall provide the following paragraph in bold:

**“Prospective purchasers are directed to the Philadelphia Board of Revision of Taxes (BRT) Website (<http://brtweb.phila.gov>) for a fuller description of the properties listed. Properties can be looked up by the BRT number, which should be cross-checked with the address. Prospective purchasers are also directed to the Philadelphia Department of Records, at Room 154 City Hall, Philadelphia, PA 215-686-1483 and to its Website at <http://philadox.phila.gov>, where they can view the deed to each individual property and find the boundaries of the property. PROSPECTIVE PURCHASERS ARE RESPONSIBLE FOR DETERMINING THE NATURE, LOCATION, CONDITION AND BOUNDARIES OF THE PROPERTIES THEY SEEK TO PURCHASE.”**

The Sheriff's condition of sale shall add to the "Explanation" section the following:

The "BRT #" refers to a unique number assigned by the Philadelphia Board of Revision of Taxes to each property in the City for the purpose of assessing it for taxes. This number can be used to obtain descriptive information about the property from the BRT Website.

### Explanatory Comment

The Pennsylvania Rules of Civil Procedure require that notice of the sale of Real Property provide *inter alia*, "a brief description of the property to be sold, and any improvements..." In Philadelphia County, these descriptions have generally included a description of the property that includes the metes and bounds defining the lot. Such a description, sufficient under the holdings of the Pennsylvania Supreme Court in Shimkus v. Klimatis, 377 Pa. 546 (Pa. 1954) and Senge v. Border, 319 Pa. 481, 483 (Pa. 1935), is not necessary and results in descriptions that are lengthy and uninformative. See Nutt v. Berlin Smokeless Coal & Clay Mining Co., 262 Pa. 417 (Pa. 1918)(Advertisement which simply refers to the number of the warrant of a tract of land is a sufficient description). The length of the descriptions results in unnecessary costs being borne by the judgment

creditors initiating the sale or by the judgment debtors. This situation is particularly problematic when the advertising costs become an obstacle to a homeowner preventing the sale through reinstatement of the mortgage. The metes and bounds description is also not helpful in that it does not necessarily provide meaningful information regarding the type of property that is being sold and has resulted in confusion for buyers. This Rule seeks to remedy both of those problems as it relates to the sale of Residential Properties consisting of four (4) or fewer dwelling units by permitting a notice that is both shorter and more informative than the metes and bounds description currently being used, thereby saving costs and reducing potential confusion.

**Adopted by the Board of Judges on February 16, 2006.**