

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

**In Re: President Judge General Court Regulation No. 2008-01
Residential Mortgage Foreclosure Diversion Pilot Program
June 3, 2008 and July 1, 2008 Sheriff Sales**

ORDER

AND NOW, this 15th day of May, 2008, in order to further permit the implementation of the ***Residential Mortgage Foreclosure Diversion Pilot Program*** adopted by President Judge General Court Regulation 2008-01, the sale of all ***owner occupied residential premises*** originally scheduled to be exposed to judicial sale on June 3, 2008 to enforce a residential mortgage, as well as the sale of all ***owner occupied residential premises*** which were originally scheduled to be exposed to judicial sale to enforce a residential mortgage at the Sheriff Sale on July 1, 2008 are, subject to further order of this court, postponed until the Sheriff Sale scheduled for September 9, 2008 and until the Sheriff Sale scheduled for October 7, 2008, respectively, in order that the Conciliation Conference required by President Judge General Court Regulation No. 2008-01 can be held.

It is further ORDERED, ADJUDGED and DECREED that:

(a) unless the sales are otherwise individually stayed or postponed, the Sheriff of Philadelphia shall proceed to sell on June 3, 2008 and July 1, 2008 as scheduled and advertised, all premises which are not owner occupied, which are not residential, or which are not exposed to judicial sale to enforce a residential mortgage, (these properties shall hereinafter be collectively referred to as "Non Owner Occupied Non Residential Properties").

(b) because of the difficulty involved in determining whether or not a Writ of Execution comes within the scope of this Order, all real estate scheduled for sale by the Sheriff of the City of Philadelphia on June 3, 2008, or on July 1, 2008 shall be postponed to the Sheriff Sale scheduled for September 9, 2008 and October 7, 2008 respectively unless:

(1) counsel for the Plaintiff on the Writ of Execution, on or before May 21, 2008, for the properties scheduled for sale on June 3, 2008 and on or before June 6, 2008 for properties scheduled for sale July 1, 2008, files, with the Prothonotary, and serves on the defendant (as provided in subsection 3) a copy of this Order and a Certificate, substantially in the format attached hereto as Exhibit "A", certifying whether the property on the Sheriff Sale list is or is not an Owner Occupied Residential Premises Exposed to Judicial Sale to Enforce a Residential Mortgage within the meaning of this Order;

(2) if Counsel for the Plaintiff certifies that a specific property is not a residential property within the meaning of this Order, is not owner occupied as of this date, is not exposed to judicial sale to enforce a residential mortgage, or is vacant, counsel shall mail to defendant(s) a copy of the Certificate, and the ***Important Notice*** substantially in the format attached hereto as Exhibit "B" and ***Defendant's Objection to Plaintiff's Certification And Request For Postponement Of Sale*** substantially in the format attached hereto as Exhibit "C" and properly completed by Plaintiff's attorney to reflect the correct dates for the respective sheriff sales;

(3) a copy of the Certificate and other documentation, as appropriate, shall be served on the Defendant by regular mail to the last known address of the Defendant(s) and to the address of the premises scheduled for sale;

(4) an Affidavit of Service, substantially in the format attached hereto as Exhibit "D" shall be filed with the Prothonotary along with a copy of the documents served upon the defendants;

(5) any Defendant who disagrees with the Certification filed by the Plaintiff which stated that the premises are not residential, or are not owner occupied, or are not exposed to judicial sale to enforce a residential mortgage must file an Objection, substantially in the format attached hereto as Exhibit "C", on or before May 29, 2008 for the properties listed for sale on June 3, 2008 and on or before June 23, 2008 for the properties listed for sale July 1, 2008; and

(6) based upon the information requested in item (1), this Court shall issue an order no later than May 30, 2008 identifying which owner occupied residential premises subject to this Order are postponed to the September 9, 2008 Sheriff Sale, with respect to the June sales and shall issue an order before the July 1, 2008 Sheriff Sale identifying which owner occupied residential premises subject to this Order are postponed to the October 7, 2008 Sheriff Sale;

(c) the term "Residential Premises" means real property located within the City and County of Philadelphia containing not more than four residential units and shall include a residential condominium unit or a residential co-op unit;

(d) as authorized by Pa.R.C.P. 3129.3(a), any writ of execution which scheduled premises for judicial sale on June 3, 2008 or July 1, 2008 which is being postponed as required by this Order, shall be permitted to proceed to judicial sale on September 9, 2008 or October 7, 2008 respectively, or thereafter, without further posting, notice, advertisement or affidavit pursuant to Pa.R.Civ.P. 3129.1 to 3129.3. Moreover, the postponement provided in this Order shall not affect the Plaintiffs right to postpone the sale twice further up to 130 days as permitted by Pa.R.C.P. 3129.3(b).

(e) This Order shall be published in the *Pennsylvania Bulletin* and *The Legal Intelligencer*; and shall be posted on the website of the First Judicial District of Pennsylvania at <http://courts.phila.gov>.

(f) The Sheriff shall advertise the entry of this Order (without Exhibits) on May 19, 2008, May 26, 2008, June 2, 2008, and June 30, 2008 in the *Philadelphia Inquirer*.

(g) The Sheriff shall announce the Postponements at the time and place scheduled for the June and July sales.

(h) Notwithstanding the foregoing, Sheriff's Sales postponed from April 1, 2008 and May 6, 2008, until July 1, 2008 by Order dated April 16, 2008 shall proceed to sale absent the entry of individual orders addressing and further postponing the same, as warranted by their particular circumstances.

BY THE COURT:

/s/ Honorable C. Darnell Jones, II

HONORABLE C. DARNELL JONES, II
President Judge
Court of Common Pleas

BY THE COURT:

/s/ Honorable D. Webster Keogh

HONORABLE D. WEBSTER KEOGH
Administrative Judge, Trial Division
Court of Common Pleas

EXHIBIT A
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY
CIVIL TRIAL DIVISION

Plaintiff, : _____ TERM, 200__
: :
: NO. _____
v. : :
: **Book No.** _____
Defendant : **Writ No.** _____
: **Sale Date:** _____

Certification Regarding Status of Foreclosed Premises as Residential and Owner Occupied

Pursuant to the Order dated _____ issued by President Judge C. Darnell Jones II and entered in connection with the President Judge General Court Regulation No. 2008-01, I hereby certify that the premises at issue in this action known and numbered as:

Premises Address: _____

Philadelphia, PA _____ Ward: _____

BRT Number: _____

(CHECK APPLICABLE BOX OR BOXES)

PROTHY CODE

CEROC is an owner occupied Residential Premises exposed to judicial sale to enforce a residential mortgage;

CERNO is not a Residential Premises within the meaning of the aforementioned order;

CERNO is not owner occupied as of this date;

CERNO is not exposed to judicial sale to enforce a residential mortgage;

CERNO is vacant.

The undersigned verifies that the statements made herein are true and correct. I understand that false statements are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____

Signature of Plaintiff or Counsel for Plaintiff

EXHIBIT B

FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY
CIVIL TRIAL DIVISION

Plaintiff, : _____ TERM, 200__
: :
v. : NO. _____
: :
Defendant : **Book No.** _____
: **Writ No.** _____
: **Sale Date:** _____

IMPORTANT NOTICE

YOUR PROPERTY HAS BEEN LISTED FOR SHERIFF SALE ON (JUNE 3, 2008) or (July 1, 2008) (select one) (A SALE WHICH MAY HAVE BEEN POSTPONED FROM AN EARLIER DATE). IF YOU OWN AND LIVE IN THE PROPERTY LISTED FOR SALE AND IT HAS FOUR OR FEWER RESIDENTIAL UNITS, YOU CAN HAVE THE SHERIFF SALE OF YOUR PROPERTY POSTPONED FROM (June 3, 2008 to September 9, 2008) (July 1, 2008 to October 7, 2008), SO YOU CAN PARTICIPATE IN A CONFERENCE THAT MAY ENABLE YOU TO SAVE YOUR HOME. YOU CAN INSURE YOUR ABILITY TO PARTICIPATE IN THE CONFERENCE BY FILING THE OBJECTION TO PLAINTIFF'S CERTIFICATION, ATTACHED TO THIS NOTICE, IN ROOM 278 CITY HALL, PHILADELPHIA, PA 19107 ON OR BEFORE 2:00 PM, (May 29, 3008) (June 23, 2008). YOU MUST MAIL A COPY TO THE PLAINTIFF'S ATTORNEY AT THE FOLLOWING ADDRESS:

[Attorney name and address]

UNLESS THE OBJECTION TO PLAINTIFF'S CERTIFICATION IS RECEIVED BY THE PROTHONOTARY, IN ROOM 278 CITY HALL, PHILADELPHIA, PA 19107 ON OR BEFORE 2:00 PM, (May 29, 2008) (June 23, 2008) THE PREMISES MAY BE SOLD ON (June 3, 2008) (July 1, 2008).

**YOU HAVE THE RIGHT TO BE REPRESENTED BY A LAWYER.
YOU SHOULD TAKE THIS PAPER TO THE LAWYER. IF YOU DO NOT HAVE A LAWYER
OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW
TO FIND OUT WHERE YOU CAN GET LEGAL ASSISTANCE.**

**Philadelphia Bar Association
Lawyer Referral and Information Service
One Reading Center
Philadelphia, PA 19107
Telephone: 215-238-1701**

**SAVE YOUR HOME PHILLY HOTLINE
(215) 334-HOME**

EXHIBIT C

FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY
CIVIL TRIAL DIVISION

Plaintiff,	:	_____ TERM, 200__
	:	
	:	NO. _____
v.	:	
	:	
Defendant	:	Book No. _____
	:	Writ No. _____
	:	Sale Date: _____

**DEFENDANT’S OBJECTION TO PLAINTIFF’S CERTIFICATION
AND REQUEST FOR POSTPONEMENT OF SALE**

I, the undersigned, object to Plaintiff’s Certification and in support thereof I certify that:

1. I am the owner or an owner or an heir to a deceased owner of the property identified above;
2. That I live in the property described above;
3. That the property is my principal residential property;
4. That the judgment entered against me in the case described above was entered against me to collect a mortgage debt on my home; and

I request that the Sheriff Sale of the above premises be postponed so that I can take part in the conciliatory conference required for owner occupied residential premises.

I verify that the statements made herein are true and correct. I understand that false statements are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____

Signature of Defendant

Address:

Philadelphia, PA _____

Phone Number: _____

Fax Number: _____

Email Address: _____

EXHIBIT D

FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY
CIVIL TRIAL DIVISION

Plaintiff,	:	_____ TERM, 200__
	:	
	:	NO. _____
v.	:	
	:	
Defendant	:	Book No. _____
	:	Writ No. _____
	:	Sale Date: _____

CERTIFICATE OF SERVICE

The undersigned verifies, subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities, that the attached [*Certification was*] or [*Certification, Important Notice, and Defendant's Objection To Plaintiff's Certification And Request For Postponement of Sale* form were] mailed to the defendant(s) at their last known address and, if different, to the address of the premises subject to sale and to counsel of record, if any, and to the owners of the noted premises via first class mail, as noted below.

NAME(S)

ADDRESS(ES)

Date: _____

Counsel for Plaintiff