

In Re: : COURT OF COMMON PLEAS  
 : PHILADELPHIA COUNTY  
 FORECLOSURE SALES OF : CIVIL DIVISION  
 OWNER-OCCUPIED PROPERTIES :  
 :  
 : December Term, 2010  
 Petition of Philadelphia Unemployment Project (PUP) :  
 :  
 : No.



**ORDER**

AND NOW, this *23* day of *Dec.*, 2010 upon consideration of the Petition of the Philadelphia Unemployment Project and in consideration of the extraordinary and exigent circumstances surrounding the upcoming Sheriff Sale and the unprecedented relief that has been established by the federal government and which is expected to be available to homeowners beginning sometime in January 2011 to enable them to avoid the loss of their homes and in consideration of the authority and the obligation of the Court to exercise control over the execution of its judgments so as to do no harm to the general public and so as to avoid injustice, it is hereby ORDERED and DECREED that the January 4, 2011 Sheriff Sale of all owner occupied, residential properties that were scheduled for sale pursuant to a writ of execution issued in an action in mortgage foreclosure is POSTPONED to *for thirty days* pending any further order of this Court entered in resolution of the above captioned petition.

As to the postponements resulting from this Order, no further re-advertising or notice of the sale pursuant to Rule 3129 shall be required prior to the ~~March 1, 2011~~ rescheduled sale. The Sheriff shall announce at the January 4, 2011 sale the postponement resulting from this Order *for thirty days*.

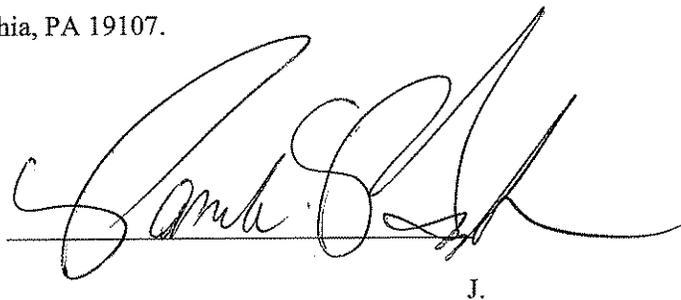
The Sheriff shall also forthwith publish this Order in the Legal Intelligencer and in the paper of general circulation in which he published the notice of sale required by Rule 3129 for the upcoming January 4, 2011 sale.

The Plaintiff in any individual case may proceed with the sheriff sale of a particular non-owner occupied, non-residential property, or with the sale of a property on a writ that was not issued in an

*to relief under EHL P*  
*PPS*  
*PPS*

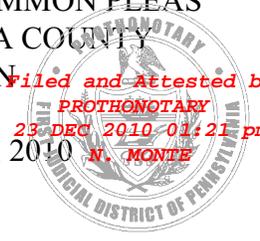
action in mortgage foreclosure.

A hearing on the Petition shall be scheduled for January 13, 2011 at 10<sup>00</sup> a.m.  
A.M./P.M in courtroom 676, City Hall, Philadelphia, PA 19107.



J.

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As to the postponements resulting from this Order, no further re-advertising or notice of the sale pursuant to Rule 3129 shall be required prior to the March 1, 2011 rescheduled sale. The Sheriff shall announce at the January 4, 2011 sale the postponement resulting from this Order until March 1, 2011. The Sheriff shall also forthwith publish this Order in the Legal Intelligencer and in the paper of general circulation in which he published the notice of sale required by Rule 3129 for the upcoming January 4, 2011 sale.

The Plaintiff in any individual case may proceed with the sheriff sale of a particular non-owner occupied, non-residential property, or with the sale of a property on a writ that was not issued in an

action in mortgage foreclosure.

A hearing on the Petition shall be scheduled for January \_\_\_\_\_, 2011 at  
A.M./P.M in courtroom \_\_\_\_\_, City Hall, Philadelphia, PA 19107.

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J.

COMMUNITY LEGAL SERVICES, INC.  
George D. Gould, Esquire  
Id. No. 12549  
Peter Schneider, Esquire  
Id. No. 40351  
1424 Chestnut Street  
Philadelphia, PA 19102  
(215) 981-3717

PHILADELPHIA LEGAL ASSISTANCE, INC.  
By: Irwin Trauss, Esquire  
Id. No. 23782  
42 S. 15<sup>th</sup> Street, Suite 500  
Philadelphia, PA 19102  
(215) 981-3811

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In Re: : COURT OF COMMON PLEAS  
  
POSTPONEMENT OF : PHILADELPHIA COUNTY  
FORECLOSURE SALE OF : CIVIL DIVISION  
OWNER-OCCUPIED PROPERTIES :  
: December Term, 2010  
Petition Philadelphia Unemployment Project (PUP) :  
: No.

### **Emergency Petition To Postpone Mortgage Foreclosure Sheriff's Sale Of Owner-Occupied Residential Properties**

1. Petitioner Philadelphia Unemployment Project (PUP) is a nonprofit, membership organization in the City of Philadelphia representing the interests of unemployed persons. For over 35 years, PUP has been actively involved in addressing the problems of its members including mortgage foreclosure of their homes.

2. In 1983 PUP was instrumental in the creation of the Pennsylvania Homeowners Emergency Mortgage Assistance Program and more recently PUP was actively involved in the creation of the federal Emergency Homeowners Loan Program (EHLA), which

was mandated by a provision of the Dodd–Frank Wall Street Reform and Consumer Protection Act (Pub.L. 111-203, H.R. 4173).

3. PUP has been an active member of the Mortgage Foreclosure Steering Committee and the convener of the Mortgage Foreclosure Crisis Committee, an organization of homeowners faced with foreclosure who work together to prevent the loss of their homes. PUP is also a housing counseling agency that formally advocates for homeowners in the diversion program. PUP is intimately familiar with the need for a program like EHLP and the extent to which the homeowners most likely to get the help offered by ELHP are precisely those homeowners who are most likely to lose their homes if the sheriff sales are not postponed. PUP’s members and clients are faced with the imminent sale of their homes at the January 4, 2011 Sheriff’s Sale.

4. The law provides substantial monetary assistance to homeowners who are faced with the loss of their homes due to a reduction in income resulting from unemployment, underemployment, or medical problems.

5. Under EHLP homeowners can receive up to 24 months of assistance in the form of a loan to cure arrears, including reasonable attorney fees, and to provide continuing assistance to help make future mortgage payments.

6. Pennsylvania has been allocated over \$105 million under EHLP.

7. The program in Pennsylvania will be administered by the Pennsylvania Housing Finance Agency (PHFA).

8. The monies for the program are expected to be received by PHFA in early January 2011.

9. The legislation creating EHLP requires that the entire \$105 million dollars be committed by the end of September 2011.

10. This sum represents almost 10 times the amount that has been recently appropriated by the Commonwealth for the HEMAP program.

11. PHFA is prepared to immediately process applications for EHLP and to promptly provide monetary assistance to eligible homeowners as soon as the monies are made available by HUD to Pennsylvania. PHFA is committed to using the entire allocation within the required time period.

12. At present there are approximately 1200 homeowners whose houses are on the January Sheriff Sale.

13. Of that number the sales of close to ½ are already slated to be postponed, or stayed for reasons unrelated to the EHLP program.

14. Many of the homeowners whose homes are presently scheduled to be sold are precisely those for whom EHLP was designed. They are people who have insufficient income to get a HAMP loan modifications or other relief because they suffered a reduction in available income because they are unemployed, underemployed or suffer from medical problems. .

15. If the January sale is permitted to proceed, hundreds of Philadelphia homeowners who could save their homes with funds from EHLP will lose their homes only days or weeks before that assistance becomes available.

16. Such a result will only exacerbate the burdens placed on all the residents of the city who have been suffering from the consequences of the foreclosure epidemic and will

only frustrate the congressional intent behind the passage of the EHLP legislation.

17. The greater the number of people who are allowed to lose their homes to sheriff sales between now and September 2011, the greater the likelihood that PHFA will be unable to spend all of the \$105 million dollars allocated to Pennsylvania and the greater the likelihood that a significant portion of the money will have to be returned to the federal government instead of being used to keep people in their homes and to ameliorate the adverse effects of foreclosures on all the residents of the City and on economic well being of the City,

18. A similar set of circumstances prompted then President Judge Bradley in 1983 to postpone the mortgage foreclosure Sheriff Sales for almost 12 months in anticipation of the passage of Act 91 of 1983, which created HEMAP.

19. At that time the population of the city was almost a third greater than it is presently. The Court was nonetheless compelled to act by what it perceived to be a foreclosure crises when there were approximately 300 properties being scheduled for Sheriff Sale a month in total, about 1/2 the number of properties that are being newly listed for sale each month presently.

20. In 1983, the passage of Act 91 and implementation of the HEMAP program was months away when the Court began to postpone the sheriff sales, so that homeowners could get the benefit of it.

21. In contrast, EHLP has already been passed and funded and the program is only weeks away from implementation. In the instant case the amount of available funds are substantially greater, the time in which the funds must be spent shorter, the need for the funds more pressing and the consequences to the homeowners and to the City at large more onerous if

the opportunity for the homeowners to take advantage of the funds is lost.

22. The authority of the Court to take the requested action is clear and was articulated and reaffirmed in 2008 by then President Judge Jones when he entered the order postponing Sheriff Sales of residential owner occupied properties and creating the Mortgage Foreclosure Diversion Program.

Wherefore, petitioner Philadelphia Unemployment Project respectfully requests this Court to postpone all mortgage foreclosure sheriff's sales on residential owner-occupied properties and in particular the sale scheduled for January 4, 2011.

Respectfully Submitted,

Dated: December 23, 2010

/s/ George Gould /s/ Irwin Trauss  
George Gould, Esquire  
Peter Schneider, Esquire  
COMMUNITY LEGAL SERVICES, INC.

Irwin Trauss, Esquire  
PHILADELPHIA LEGAL ASSISTANCE

Attorneys for Petitioner

COMMUNITY LEGAL SERVICES, INC.  
George D. Gould, Esquire  
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PHILADELPHIA LEGAL ASSISTANCE, INC.  
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Id. No. 23782  
42 S. 15<sup>th</sup> Street, Suite 500  
Philadelphia, PA 19102  
(215) 981-3811

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Petition Philadelphia Unemployment Project (PUP) :  
and Mortgage Foreclosure Crises Committee : No.

**VERIFICATION**

I John Dodds, the Executive Director of the Philadelphia Unemployment Project, the Petitioner in the above captioned matter verify that the statements made in the foregoing Petition are true and correct to the best of my personal knowledge, information and belief. I understand that false statements therein are made subject to the penalties of 18 Pa. C.S. §4904, relating to unsworn falsification to authorities.

Date: December 23, 2010

/s/John Dodds  
John Dodds  
Executive Director  
Philadelphia Unemployment Project

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Id. No. 12549  
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**CERTIFICATION OF SERVICE**

I, IRWIN TRAUSS, attorney for Petitioner in the above-captioned matter, do hereby certify that a true and correct copy of the foregoing *Emergency Petition To Postpone Mortgage Foreclosure Sheriff's Sale Of Owner-Occupied Residential Properties* was electronically served upon counsel for the various Plaintiff's who have properties listed for sale at the email addresses listed on the attachment on the date indicated below.

Date December 23, 2010

/s/ Irwin Trauss  
IRWIN TRAUSS  
Attorney for Plaintiff  
Philadelphia Legal Assistance  
42 S. 15<sup>th</sup> Street  
Philadelphia, PA 19102  
(215) 981-3811

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30	Whelan, Doyle & Pressman LLC				

