

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

**In Re: Joint General Court Regulation No. 2008-01
*Residential Mortgage Foreclosure Diversion Pilot Program***

ORDER

AND NOW, this 17th day of July, 2008, in order to facilitate implementation of the *Residential Mortgage Foreclosure Diversion Pilot Program* adopted by Joint General Court Regulation No. 2008-01 it is hereby ORDERED, ADJUDGED and DECREED as follows:

(A) Cases Scheduled for Sheriff Sale on August 5, 2008 and September 9, 2008. The sale of all *owner occupied residential premises* exposed to judicial sale to enforce a residential mortgage originally scheduled to be sold by the Sheriff on August 5, 2008 is postponed by the Court to the November 4, 2008 Sheriff Sale list, and the sale of all *owner occupied residential premises* exposed to judicial sale to enforce a residential mortgage originally scheduled to be sold by the Sheriff on September 9, 2008 is postponed by the Court to the December 2, 2008 Sheriff Sale list so 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:

(1) Unless the sales are otherwise individually stayed or postponed, the Sheriff of Philadelphia shall proceed to sell on August 5, 2008 and September 9, 2008, as applicable, 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").

(2) Because of the difficulty involved in determining whether or not a Writ of Execution comes within the scope of this Order, all premises scheduled for sale by the Sheriff of the City of Philadelphia on August 5, 2008, or on September 9, 2008 shall be postponed to the Sheriff Sale scheduled for November 4, 2008 and December 2, 2008 respectively unless:

(a) counsel for the Plaintiff on the Writ of Execution, on or before July 23, 2008, for the properties scheduled for sale on August 5, 2008 and on or before August 12, 2008 for properties scheduled for sale September 9, 2008, files with the Prothonotary, and serves on the defendant a Certificate, substantially in the format attached hereto as Exhibit "A," certifying whether the property on the Sheriff Sale list is an Owner Occupied Residential Premises exposed to judicial sale to enforce a residential mortgage within the meaning of this Order;

(b) 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 for the Plaintiff 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;

(c) 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;

(d) 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;

(e) 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 July 30, 2008 for the properties listed for sale on August 5, 2008 and on or before August 27, 2008 for the properties listed for sale on September 9, 2008; and

(f) this Court shall issue an order no later than August 1, 2008 with respect to the August 5, 2008 sales identifying which owner occupied residential premises subject to this Order are postponed to the November 4, 2008 Sheriff Sale; and shall issue an order no later than September 3, 2008 with respect to the September 9, 2008 sales Sheriff Sale identifying which owner occupied residential premises subject to this Order are postponed to the December 2, 2008 Sheriff Sale;

(3) as authorized by Pa.R.C.P. 3129.3(a), any writ of execution which scheduled premises for judicial sale on August 5, 2008 or September 9, 2008 which is being postponed as required by this Order, shall be permitted to proceed to judicial sale on November 4, 2008 or December 2, 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).

(4) The Sheriff shall announce the Postponements at the time and place scheduled for the August and September sales.

(B) Section 3. (c) of Joint General Court Regulation No. 2008-01 is amended to read as follows:

(1) Mortgage Foreclosure cases commenced on or after September 8, 2008.

(a) All Mortgage Foreclosure cases involving owner-occupied residential properties subject to execution to enforce a residential mortgage which are commenced on or after September 8, 2008 shall be designated as ***Case Type*** "3D

Mortgage Foreclosure – Residential-Owner Occupied” on the Civil Cover Sheet. Consistent with the provisions of Joint General Court Regulation No. 2008-01, a Case Management Order scheduling a Conciliation Conference will be issued at the time the action is commenced and will be provided to the Plaintiff for service on the Defendant(s) together with the Complaint or other initial process.

(b) Mortgage Foreclosure cases involving owner-occupied residential properties subject to execution to enforce a residential mortgage which are commenced on or after September 8, 2008 but not designated as *Case Type* “3D Mortgage Foreclosure – Residential-Owner Occupied” shall be scheduled for a Conciliation Conference if the Defendant-homeowner files with the Prothonotary as soon as possible, but no later than ten (10) days before the scheduled date of the Sheriff Sale for the premises at issue, a *Certification of Premises As Residential - Owner Occupied and Request For Conciliation Conference* form, substantially in the format attached hereto as “Exhibit E.” A copy of Defendant’s *Certification of Premises As Residential - Owner Occupied and Request For Conciliation Conference* form must also be served by the Defendant-homeowner on Plaintiff’s attorney. The Prothonotary shall not charge a filing fee for the filing of this Court-ordered form.

(C) Mortgage Foreclosure cases commenced before September 8, 2008. All Mortgage Foreclosure cases involving owner-occupied residential properties subject to execution to enforce a residential mortgage which were commenced before September 8, 2008 and are scheduled for Sheriff Sale on or after October 7, 2008 shall be scheduled for a Conciliation Conference required by Joint General Court Regulation No. 2008-01 if the Defendant-homeowner files with the Prothonotary as soon as possible, but no later than ten (10) days before the date of the Sheriff Sale for the premises at issue, a *Certification of Premises As Residential - Owner Occupied and Request For Conciliation Conference* form, substantially in the format attached hereto as “Exhibit E.” A copy of Defendant’s *Certification of Premises As Residential - Owner Occupied and Request For Conciliation Conference* form must also be served by the Defendant-homeowner on Plaintiff’s attorney. The Prothonotary shall not charge a filing fee for the filing of this Court-ordered form.

To insure that defendants-owners of properties subject to Sheriff Sale pursuant to this section are aware that they have a right to request a Conciliation Conference before their property is sold at Sheriff Sale, IT IS HEREBY ORDERED, ADJUDGED and DECREED as follows:

(1) Plaintiff shall file with the Prothonotary and mail to the defendant as soon as possible, but no later than thirty (30) days before the date of the premises’ Sheriff Sale, an *Important Notice* substantially in the format attached hereto as “Exhibit F.” Plaintiff shall enclose with the *Important Notice* a *Certification of Premises As Residential - Owner Occupied and Request For Conciliation Conference*, substantially in the format attached hereto as “Exhibit E.” Plaintiff shall file a *Certificate of Service*, substantially in the format attached hereto as “Exhibit D” with the Prothonotary.

(2) Upon the timely receipt of Defendant’s *Certification of Premises As Residential - Owner Occupied and Request For Conciliation Conference* the Court shall postpone

the Sheriff Sale as appropriate and shall schedule a Conciliation Conference as provided in Joint General Court Regulation No. 2008-01. After the date of the Conciliation Conference, the Court shall enter an order which shall provide, *inter alia*, whether the premises shall be postponed to a subsequent Sheriff Sale date, or may be sold on a subsequent Sheriff Sale date.

(3) Should Plaintiff disagree with the averments contained in Defendant's *Certification of Premises As Residential - Owner Occupied and Request For Conciliation Conference* and Defendant's entitlement to postponement of the Sheriff Sale and the scheduling of a Conciliation Conference, Plaintiff may file an appropriate motion as required by rules of court.

(4) The Sheriff of Philadelphia shall post a Notice on the Sheriff's website (<http://www.phillysheriff.com/>) substantially as follows:

NOTICE

Residential Mortgage Foreclosure Diversion Pilot Program **Joint General Court Regulation No. 2008-01**

Owners of residential properties which are subject to Sheriff Sale to enforce a residential mortgage who live in the property may be eligible to have the Sheriff Sale postponed and may receive help to save their home.

Qualified homeowners MUST file a *Certification of Premises As Residential - Owner Occupied and Request For Conciliation Conference* form (*Click here for the Form*) with the Prothonotary (Room 278 City Hall) as soon as possible, but no later than *ten days* before the date of the Sheriff Sale to have the Sheriff Sale of their home postponed.

To find out whether you qualify, and for more information, please call the **SAVE YOUR HOME PHILLY HOTLINE** at **215-334-HOME** (215-334-4663).

More information is also available on the website of the First Judicial District of Pennsylvania (the Court) at: <http://courts.phila.gov/reg>.

D. Cases Scheduled for Sheriff Sale in April, May, June and July 2008. Cases which were scheduled for Sheriff Sale on April 1, May 6, June 3, or July 1, 2008 and which have been postponed to subsequent Sheriff Sale dates and have not been scheduled for a Conciliation Conference shall be scheduled for a Conciliation Conference upon compliance with the terms of the orders dated April 16, 2008 and May 15, 2008, or upon compliance with the terms of Section (A) of this Order, or upon compliance with the terms of Section (C) of this Order.

E. Residential Premises. The term "Residential Premises" for purposes of Joint General Court Regulation No. 2008-01 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.

F. Notification to the Sheriff. Unless otherwise provided or necessary, no later than the Friday immediately preceding the date of any Sheriff Sale, the Court shall issue an Order, substantially in the format attached hereto as “Exhibit G,” referencing all cases in which a *Certification of Premises As Residential - Owner Occupied and Request For Conciliation Conference* form was filed which has been (or is being) scheduled for a Conciliation Conference, in which the Conciliation Conference has not been concluded. These cases must be postponed by the Sheriff to a subsequent Sheriff Sale list. The Order shall be served on the Sheriff and shall be posted on the Court’s website.

G. Publication of this Order. The Sheriff shall advertise the entry of this Order (without Exhibits) in the *Philadelphia Inquirer* on or about July 22, 2008, July 29, 2008, August 15, 2008, and September 1, 2008.

This Order is issued in accordance with the April 11, 1986 Order of the Supreme Court of Pennsylvania, Eastern District, No. 55, Judicial Administration, Docket No. 1 and Phila. Civ. R. *51. As required by Pa.R.C.P. 239, the original regulation shall be filed with the Prothonotary in a docket maintained for Administrative Orders; and copies shall be submitted to the Supreme Court Civil Procedural Rules Committee, the Administrative Offices of Pennsylvania Courts, the Legislative Reference Bureau and American Legal Communications, Ltd., *The Legal Intelligencer*, Jenkins Memorial Law Library and the Law Library for the First Judicial District. This order shall also be posted on the website of the First Judicial District of Pennsylvania, at <http://courts.phila.gov/regs>.

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

	:	_____ TERM, 20__
Plaintiff,	:	
	:	NO. _____
v.	:	
	:	Sheriff Book _____ Writ _____
	:	
Defendant	:	Date of Sheriff Sale: _____

Certification Regarding Status of Foreclosed Premises as Residential and Owner Occupied

Pursuant to the Order issued by President Judge C. Darnell Jones II and Administrative Judge D. Webster Keogh on July 17, 2008, I hereby certify that the premises at issue in this action known and numbered as:

Premises Address: _____
 Philadelphia, PA _____

(CHECK APPLICABLE BOX OR BOXES)

PROTHY CODE

- CEROC** are owner occupied Residential Premises exposed to judicial sale to enforce a residential mortgage. The above Sheriff Sale is postponed. You will receive an Order from the Court scheduling a Conciliation Conference;
- CERNO** are not Residential Premises within the meaning of the aforementioned order;
- CERNO** are not owner occupied as of this date;
- CERNO** are not exposed to judicial sale to enforce a residential mortgage;
- CERNO** are 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, 20____
: :
: NO. _____
v. : :
: **Sheriff Book** _____ **Writ** _____
: :
Defendant : **Date of Sheriff Sale:** _____

IMPORTANT NOTICE:

Call the Save Your Home Philly Hotline at
215-334-HOME

Your property has been listed for Sheriff Sale on [AUGUST 5, 2008] or [SEPTEMBER 9, 2008] (select one)

BUT, you can have the Sheriff Sale **postponed** to [August 5, 2008 to November 4, 2008] [September 9, 2008 to December 2, 2008] so that you can participate in a conference that may let you save your home. You must own and live in the property and it must have four or fewer residential units to be eligible for a conference.

You must file the form attached to this Notice, Objection to Plaintiff’s Certification, before 2:00 PM, [July 30, 2008] [August 27, 2008] in order to postpone the Sheriff Sale and participate in a conference.

You must file the form in **Room 278 of City Hall**, Philadelphia, PA 19107. You must also mail a copy to the Plaintiff’s Attorney at the following address:

[Attorney name and address]

Unless the Objection to Plaintiff’s Certification is filed in Room 278 City Hall before 2:00 PM, [July 30, 2008] [August 27, 2008] **your property may be sold by the Sheriff on** [August 5, 2008] [September 9, 2008].

For help, or if you have questions, call:

Save Your Home Philly Hotline at 215-334-HOME (4663)

EXHIBIT C

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

	:	_____ TERM, 20__
Plaintiff,	:	
	:	NO. _____
v.	:	
	:	Sheriff Book _____ Writ _____
	:	
Defendant	:	Date of Sheriff Sale: _____

**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. I live in the property described above;
3. The property is my principal residential property;
4. 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

	:	_____ TERM, 20__
Plaintiff,	:	
	:	NO. _____
v.	:	
	:	Sheriff Book _____ Writ _____
	:	
Defendant	:	Date of Sheriff Sale: _____

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

EXHIBIT E

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

Plaintiff, : _____ TERM, 20____
:
: NO. _____
v. :
: **Sheriff Book** _____ **Writ** _____
:
Defendant : **Date of Sheriff Sale:** _____

Joint General Court Regulation No. 2008-01: Residential Mortgage Foreclosure Diversion Pilot Program

**DEFENDANT’S CERTIFICATION THAT PREMISES ARE
RESIDENTIAL and OWNER OCCUPIED
and
REQUEST FOR CONCILIATION CONFERENCE
(Prothonotary Code: CERDO)**

Pursuant to the Order issued by President Judge C. Darnell Jones II and Administrative Judge D. Webster Keogh on July 17, 2008, I hereby certify as follows:

1. I am the owner or an owner or an heir to a deceased owner of the property known as:

Premises Address: _____
Philadelphia, PA _____

2. I live in the property identified above;

3. This property is my principal residential property;

4. The judgment entered against me in this case was entered against me to collect a mortgage debt on my home;

5. The above property is scheduled to be sold at Sheriff Sale on _____ and I request that the Sheriff Sale be postponed to enable the Court to schedule a Conciliation Conference pursuant to Joint General Court Regulation No. 2008-01.

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 Defendant(s)
Phone Number:
Mobile Number:
Fax Number:
Email Address:

NOTE: Defendant must file in Room 278 City Hall at least 10 days before the date of the Sheriff Sale and MUST mail a copy to Plaintiff’s Attorney

EXHIBIT F

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

Plaintiff,	:	_____ TERM, 20__
	:	
	:	: NO. _____
v.	:	
	:	: Sheriff Book _____ Writ _____
	:	
Defendant	:	: Date of Sheriff Sale: _____

IMPORTANT NOTICE

Call the Save Your Home Philly Hotline at

215-334-HOME (4663)

Your property has been listed for Sheriff Sale on _____.

BUT, you can have the Sheriff Sale **postponed** so that you can participate in a conference that may let you save your home. You must own and live in the property and it must have four or fewer residential units to be eligible for a conference.

You must file the form attached to this notice, Certification of Premises as Residential-Owner Occupied and Request for Conciliation Conference, at least 10 days before the date of the Sheriff Sale in order to postpone the Sheriff sale and participate in a conference.

You must file the form in **Room 278 City Hall**, Philadelphia, PA 19107.

You must also mail a copy to the Plaintiff's Attorney at the following address:

[Attorney name and address]

Unless the Certification of Premises as Residential – Owner Occupied and Request for Conciliation Conference is filed in Room 278 City Hall at least 10 days before the date of the Sheriff Sale, **your property may be sold on the date of the Sheriff Sale.**

For help, or if you have questions, call:

Save Your Home Philly Hotline at 215-334-HOME (4663)

