

**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*  
*April 1, 2008 and May 6, 2008 Sheriff Sales***

**ORDER**

**AND NOW**, this 16th day of April, 2008, in order to permit the implementation of the ***Residential Mortgage Foreclosure Diversion Pilot Program*** adopted by Joint General Court Regulation 2008-01, the sale of all ***owner occupied residential premises*** exposed to judicial sale on April 1, 2008 to enforce a residential mortgage whose sale was postponed by the Sheriff of Philadelphia, as well as the sale of all ***owner occupied residential premises*** which are scheduled to be exposed to judicial sale to enforce a residential mortgage at the Sheriff Sale on May 6, 2008 are, subject to further order of this Court, postponed until the Sheriff Sale scheduled for July 1, 2008 so that the Conciliation Conference required by Joint 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 May 6, 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" including those Non Owner Occupied Non Residential Properties which were scheduled to be sold at the previously postponed April 1, 2008 Sheriff Sale;

(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 May 6, 2008, including the sales postponed from April 1, 2008, shall be postponed to the Sheriff Sale scheduled for July 1, 2008 unless:

(1) counsel for the Plaintiff on the Writ of Execution, on or before April 21, 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;"

(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 April 30, 2008; and

(6) this Court shall issue an order before the May 6, 2008 Sheriff Sale identifying which owner occupied residential premises subject to this Order are postponed to the July 1, 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 April 1, 2008 which was postponed by the Sheriff, and any writ of execution which scheduled premises for judicial sale on May 6, 2008 which is being postponed as required by this Order, shall be permitted to proceed to judicial sale on July 1, 2008, or thereafter, without further posting, notice, advertisement or affidavit pursuant to Pa.R.Civ.P. 3129.1 to 3129.3. Moreover, the April 1, 2008 postponement and 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 April 21, 2008, April 28, 2008 and May 5, 2008 in the Philadelphia Inquirer.

(g) The Sheriff shall announce the Postponements at the time and place scheduled for the May sale.

BY THE COURT:

*/s/ Honorable C. Darnell Jones, II*

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

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

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Plaintiff, : \_\_\_\_\_ TERM, 200\_\_  
: :  
: NO. \_\_\_\_\_  
v. : :  
: **Book No.** \_\_\_\_\_  
Defendant : **Writ No.** \_\_\_\_\_  
: **Sale Date:** \_\_\_\_\_

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**Certification Regarding Status of Foreclosed Premises as  
Residential and Owner Occupied**

Pursuant to the Order dated April 16, 2008 issued by President Judge C. Darnell Jones II and entered in connection with Joint 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

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Plaintiff, : \_\_\_\_\_ TERM, 200\_\_  
: :  
v. : NO. \_\_\_\_\_  
: :  
Defendant : **Book No.** \_\_\_\_\_  
: **Writ No.** \_\_\_\_\_  
: **Sale Date:** \_\_\_\_\_

**IMPORTANT NOTICE**

YOUR PROPERTY HAS BEEN LISTED FOR SHERIFF SALE ON MAY 6, 2008 (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 MAY 6, 2008 TO JULY 1, 2008, SO YOU CAN PARTICIPATE IN A CONFERENCE THAT MAY ENABLE YOU TO SAVE YOUR HOME. YOU CAN ENSURE 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, APRIL 30, 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, APRIL 30, 2008, THE PREMISES MAY BE SOLD ON MAY 6, 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

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

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**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:

Mobile Number:

Fax Number:

Email Address:

**EXHIBIT D**

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

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

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**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