

Commonwealth of Pennsylvania : CP - 51- MD - _____
 Plaintiff :
 vs. : OTN #
 : PID
 : DC #
 Defendant : PR #

LOCATION OF SEIZURE: _____
 OWNER OF PROPERTY: _____
 PROPERTY SEIZED FROM: _____

**NOTICE TO DEFEND: CIVIL ASSET FORFEITURE
 TO THE CLAIMANT OF WITHIN DESCRIBED PROPERTY:**

You are required to file a written Answer to this petition, setting forth your title in, and right to possession of, said property within 30 days from the service hereof, and you are also notified that, if you fail to file the Answer, a decree of forfeiture and condemnation will be entered against the property.

A Pretrial Conference will be scheduled by the Court, and you should expect to receive a Notice of Pretrial Conference within a week or so after the Forfeiture Petition and this Notice to Defend are served on you. The date of the Pretrial Conference should be at least two weeks after you receive the Notice of Pretrial Conference which should allow you to attend the hearing. You or your attorney must attend this Pretrial Conference.

If you have been criminally charged in a case associated with the forfeiture matter, prior to filing an Answer to the Forfeiture Petition, you may file a *Praecipe to Stay the Forfeiture Proceedings* using the above-referenced caption and docket number. The forfeiture proceedings will be stayed by the Office of Judicial Records upon receipt of the *Praecipe*. However, please know that when the stay is lifted, you must file an Answer to the *Forfeiture Petition* within 30 days from the day the stay is lifted.

If you wish to seek the temporary release of your seized property while these forfeiture proceedings are pending, you may also file a *Motion for Release of Seized Property Pending the Conclusion of the Forfeiture Proceedings*, pursuant to 42 Pa.C.S. §§ 5805(f) and 5806 at any time during the pendency of the Forfeiture Proceedings.

Additionally, you should know that you may request a jury trial. However, the request must be made no later than twenty (20) days after the service of the last permissible pleading. You can request a jury either by indicating so on any Answer you file or by submitting and filing a separate request with the Office of Judicial Records, preferably electronically, or by mail or in person at the Justice Juanita Kidd Stout Center for Criminal Justice, Second Floor, Motion Counter, 1301 Filbert Street, Philadelphia, PA.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE. YOU ARE NOT ENTITLED TO A COURT-APPOINTED LAWYER.

*Philadelphia Bar Association
 Lawyer Referral and Information Service
 1101 Market Street, 11th Floor
 Philadelphia, Pennsylvania 19107
 (215) 238-6333
 TTY (215) 451-6197*

**IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY
TRIAL DIVISION, CIVIL**

Commonwealth of Pennsylvania	:	CP - 51- MD - _____
Plaintiff		
vs.	:	OTN #
		PID
_____	:	DC #
Defendant	:	PR #

PRAECIPE - CLAIMANT'S CHANGE OF ADDRESS

TO THE OFFICE OF JUDICIAL RECORDS:

Kindly update the Claimant's address for purposes of service of legal papers other than original process, and for giving notices pursuant to Pa.R.C.P. No. 236 to the following address:

Name:

Address:

Date: _____

Assistant District Attorney/PA Attorney General

FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
Court of Common Pleas of Philadelphia County
Trial Division, Civil

Commonwealth of Pennsylvania	:	Forfeiture Petition
Plaintiff	:	
vs.	:	Receipt No. _____
	:	
_____	:	
Defendant	:	No. __ -51- __ - _____ - _____

AFFIDAVIT OF SUBSTITUTED SERVICE

TO THE OFFICE OF JUDICIAL RECORDS:

The Commonwealth effectuated service of its *Forfeiture Petition* by Substituted Service pursuant to 42 Pa.C.S. § 5805 (c), due to the following:

- the owner of the property is unknown.
- there was no person in possession of the property when seized.
- _____, the owner(s) or person(s) in possession at the time of the seizure cannot be personally served or located within the jurisdiction of the court despite the following efforts by the Commonwealth:

(Set forth below in detail the efforts made to serve the owner(s)/person(s) in possession)

Notice of the filing of the Forfeiture Petition, containing the information required by 42 Pa.C.S. § 5805, was given through an advertisement in one newspaper of general circulation published in Philadelphia County once a week for two successive weeks, and is attached. After publication, any other notice to the owner, person in possession or other interested party deemed served by publication shall be provided, as appropriate, by regular mail if a last known address is known.

Date: _____

Assistant District Attorney/PA Attorney General

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LOCATION OF SEIZURE: _____

PROPERTY SEIZED FROM: _____

NAME OF CLAIMANT: _____

PRAECIPE TO STAY FORFEITURE PROCEEDINGS

Claimant, _____, requests that, pursuant to 42 Pa.C.S. § 5805(a)(2)(ii) and Trial Division General Court Regulation No. 01 of 2018, the Forfeiture Proceedings be Stayed until the earlier of the disposition of the criminal case(s) related to the seized property or the filing by the Claimant of a Praecipe to Lift Stay of Forfeiture Proceedings.

I understand that I may file a Motion for Release of Seized Property Pending the Conclusion of the Forfeiture Proceedings even after this Stay is granted.

Claimant
Date:

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PROPERTY SEIZED FROM: _____

NAME OF CLAIMANT: _____

PRAECIPE TO LIFT STAY OF FORFEITURE PROCEEDINGS

The undersigned requests that the Stay of Forfeiture Proceeding entered on
_____ is lifted at the request of

Claimant _____; the Commonwealth

[Claimant] [Commonwealth of Pennsylvania]
Date:

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NAME OF CLAIMANT: _____

JURY TRIAL DEMAND

Claimant, _____, requests a Jury Trial as provided in Pa.R.C.P.

No. 1007.1 and Phila. Civ.R. *1007.1 and *1007.2.

Claimant
Date:

**Please Note: If the required Jury Fee in the sum of \$247.94 is not paid,
the Office of Judicial Records will reject the Jury Demand**