

DIRECTIONS FOR THE PETITIONER (BORROWER/MORTGAGOR)

1. Petitions can be filed up until the **day before** the Sheriff's Sale. However, the sooner the better and Petitions filed at least one week in advance of sale are more favorably received. If you are filing within the week of the Sale, you will be asked to explain why you are filing at that time.
2. If filing in person, you must bring an original and two copies of the Petition to the Office of Judicial Records, in room 296 City Hall (second floor) and pay the \$67.68 filing fee. Because electronic filing is mandatory, a \$1.00 per page scanning fee will be assessed for filings submitted in person (see note below regarding electronic filing). If you cannot afford to pay the filing fee, then you can request that the Court waive that fee by filing a *Petition to Proceed in Forma Pauperis* at the same time the *Petition to Postpone* is submitted for filing.

Note: These documents should be filed electronically in the *Motions* section of the Civil Electronic Filing System accessed through the Court's web-site at <https://courts.phila.gov>. The Office of Judicial Records will provide electronic filing assistance in Room 296 City Hall. For electronic filing support, email OJRCivil@courts.phila.gov.

3. You must **immediately** serve a copy of the filed Petition and issued Rule on Plaintiff's counsel by one of the following methods:
 - a. Hand Delivery
 - b. Fax
 - c. Overnight Courier Service (Fed Ex, UPS, DHL, Airborne Express, US Postal Express Mail)

Note: Documents filed electronically may be delivered electronically by the Court to all interested parties that are signed up for electronic filing.

4. After you serve the Petition you must complete the *Affidavit of Service* attached to the petition form, which will show the date and manner of service of the Petition. You must keep the completed *Affidavit of Service* and bring it with you to your hearing.
5. Bring with you all papers you need to prove your claim that a postponement of the Sheriff's Sale is appropriate. You will not be permitted to return with additional information on a different day. If you hire an attorney or have a housing counselor he/she must accompany you to the hearing.
6. After the hearing, if the Court postpones the Sheriff's Sale you will be given a copy of the Order which you must serve on the Sheriff by either fax (215)686-3971 (save proof of this fax), email (save proof of this email) or by delivering a copy to the Sheriff's Office (bring an extra copy and have it time-stamped) at:

Real Estate Division
Fifth Floor, Land Title Building
100 South Broad Philadelphia,
PA 19110
Email: Sheriffrealestate@phila.gov

PLEASE NOTE

**You are strongly urged to call the Save Your Home Philly Hotline for housing counseling assistance at
(215)334-HOME.**

**IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
TRIAL DIVISION – CIVIL**

	:	
	:	_____ TERM, _____
	:	<i>Month</i> _____ <i>Year</i> _____
	:	
Plaintiff	:	
v.	:	NO. _____
	:	
	:	
	:	
	:	Book _____ Writ _____
Defendant(s)	:	

RULE TO SHOW CAUSE ORDER

AND NOW, this _____ day of _____, 20____ upon consideration of the Petitioner's Petition to Postpone the Sheriff's Sale of Real Property, it is hereby **ORDERED AND DECREED** that:

A hearing will be held in the Philadelphia County Court of Common Pleas in City Hall, in Courtroom _____ on _____, at _____ A.M./ P.M. before The Honorable _____, with respect to this matter. The Petitioner must appear on that date and at that time to present evidence as to the reasons(s) that the Sheriff's Sale should be postponed. Petitioner shall bring all documents to the hearing to support their case.

The Petitioner shall immediately serve a copy of the Petition, Rule to Show Cause Order, the proposed Order and all supporting papers upon Plaintiff's attorney personally, by facsimile, or by courier service. On the date of the hearing, Petitioner must provide the Court an Affidavit of Service. The Petition may be dismissed if the Petitioner fails to prove that the Plaintiff's attorney was served, and no further postponements of the Sheriff's Sale may be granted by this Court.

BY THE COURT:

J.

**IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
TRIAL DIVISION – CIVIL**

	:	
	:	_____ TERM , _____
	:	<i>Month</i> _____ <i>Year</i> _____
	:	
Plaintiff	:	
v.	:	NO. _____
	:	
	:	
	:	Book _____ Writ _____
Defendant(s) :	:	

ORDER

AND NOW, this _____ day of _____, 20____ upon consideration of the Petitioner's Petition to Postpone the Sheriff's Sale of Real Property, it is hereby **ORDERED AND DECREED** that:

1. The Petition to Postpone the Sheriff's Sale of Real Property is **GRANTED / DENIED** and the **SALE IS POSTPONED TO**_____.
2. A copy of this court Order shall be served on the Sheriff by the Petitioner either faxing it to (215)686-3971, emailing it to sheriffrealestate@phila.gov or by delivering a copy to the Sheriff's Office at:

*Real Estate Division
Fifth Floor, Land Title Building
100 South Broad Street
Philadelphia, PA 19110*
3. The Philadelphia County Sheriff's Department shall announce said postponement at the Sheriff's Sale presently scheduled for_____.
4. No further notice or advertisement required. **THIS MAY BE THE ONLY NOTICE YOU RECEIVE OF THE NEXT SHERIFF SALE DATE FOR THIS PROPERTY.**
5. No further postponement except by agreement.

BY THE COURT:

J.

**IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
TRIAL DIVISION – CIVIL**

	:	
	:	_____ TERM, _____
	:	<i>Month</i> <i>Year</i>
	:	
Plaintiff	:	
v.	:	NO. _____
	:	
	:	
	:	
	:	Book _____ Writ _____
Defendant(s)	:	

DEFENDANT’S PETITION TO POSTPONE SHERIFF’S SALE OF REAL PROPERTY

-This Petition Must Be Filled Out Completely Or It Will Be Denied
-This Petition Must Be Served On The Attorney For The Opposing Side And Failure To Do So May Result In A Dismissal Of This Petition.

Party Filing Petition:

SHERIFF’S SALE IS SCHEDULED FOR _____, 20____.

1. My name is _____, the Defendant Borrower in this
foreclosure case. *Print Full Name*

2. I own the property in this foreclosure matter which is located at
_____, Philadelphia Pennsylvania.
Address

3. I live at _____.

4. The name of my housing counselor and/or agency is
_____.

5. The Sheriff’s Sale in this matter is currently scheduled for _____.

Reasons Why Sheriff’s Sale should be postponed (check all boxes that apply):

- ☐ I have applied for HEMAP (Homeowner’s Emergency Mortgage Assistance Program)
 ○ Date of application: _____
- ☐ I have applied for EHLP (Emergency Homeowner’s Loan Program)
 ○ Date of application: _____

☐ I am selling the property. Please attach the following documents:

☐ Agreement of Sale

☐ Broker Listing

☐ Bank Consent

☐ Bankruptcy

☐ Other. Please state the reason for postponement:

If granted a postponement, I will do the following with the additional time:

Rules of Service:

I understand that I must present proof of service at the hearing. I must provide immediately a complete copy of the motion package documents to Plaintiff's counsel by a method which proves that it was served such as the following:

☐ -Hand delivery at the office of the Plaintiff's counsel,

☐ -Fax the Petition with confirmation that it was received,

☐ -Deliver the Petition by overnight courier service (Federal express, UPS, DHL, Airborne Express, or US Postal Service Express Mail)

I understand that if I do not have proof that I complied with this requirement, that my Petition may be dismissed by the Court, and I may have no further opportunity to postpone the sale.

VERIFICATION

This Petition is verified by me. I understand that the statements contained in this Petition are true and correct to the best of my knowledge, information and belief. I understand that the statement herein is made subject to the penalties of 18 Pa. C.S.A. Section 4904 relating to unsworn falsification to authorities.

Your Signature

Print Your Name

Address- No Post Office Boxes

Last Four Digits of you Social Security Number

Birth Date

Telephone Number Where You Can be Reached by the Court or Plaintiff's Counsel

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

	:	
	:	_____ TERM, _____
	:	<i>Month</i> <i>Year</i>
	:	
Plaintiff	:	
v.	:	NO. _____
	:	
	:	
	:	
	:	
	:	Book _____ Writ _____
Defendant(s)	:	

AFFIDAVIT OF SERVICE
(PROVIDE TO THE COURT ON THE DAY OF THE HEARING)

I hereby verify, subject to the penalties of 18 Pa. C.S.A. Section 4904 relating to unsworn falsification to authorities, that a copy of the Petition to Postpone Sheriff's Sale of Real Property has been served on the Plaintiff's attorney as follows:

DATE SERVED: _____

METHOD OF SERVICE (check the box that applies):

☐

By fax

☐

Hand Delivery as follows:

Name of Plaintiff's Attorney: _____

Office Address: _____

Name of Person Served: _____

☐

Courier Service (must attach original receipt from courier service):

☐

US Postal Service Express Mail

☐

Federal Express

☐

UPS

☐

DHL

☐

Airborne Express

☐

Other

Today's Date: _

Your signature

Address (no post office boxes)

Print Your Name