

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

President Judge Administrative Order

No. 20 of 2021

**In re: Further Procedures Regarding Moratorium on Philadelphia Sheriff's
Mortgage Foreclosure and Tax Sales**

AND NOW, this 26th day of May, 2021, pursuant to this Court's April 29, 2021, Administrative Order No. 18 of 2021, which Stayed all Sheriff Sales until September 2021, and to establish a process for eligible plaintiffs and/or debtors to be removed from the Stay because the Property subject to sale is not and/or may not be eligible for relief under the American Rescue Plan, it is hereby **ORDERED and DECREED** as follows:

A. COMMERCIAL NON-RESIDENTIAL MORTGAGE AND OTHER DEBT OR ASSET SHERIFF SALES

- 1) For real estate, property, and/or assets previously scheduled for Sheriff Sale from March 17, 2020 through August 31, 2021, involving collection of a debt other than a tax lien as described in Section B herein, and including commercial mortgage or other commercial litigation, Plaintiff/Debtor may file a motion to request the matter be removed from the Stay and be allowed to proceed to sale. Said motion shall include sufficient information for the Court to make a determination on the papers that the matter is commercial nonresidential mortgage and/or other debt or asset execution.
- 2) The motion shall be served on all parties of interest and proof of service filed with the Court.
- 3) The Court may grant or deny the motion on the pleadings or schedule the matter for hearing. If the motion is granted, movant shall deliver the Order to the Sheriff and request a Sheriff Sale be scheduled.

B. TAX SALES

- 1) All Philadelphia County Tax Sales previously listed for Sheriff Sale on a date certain between March 17, 2020 and August 31, 2021 remain stayed unless ordered as set forth herein.
- 2) The City of Philadelphia and/or U.S. Bank, N.A. as Trustee, may file a motion to request the Property at issue be allowed to proceed to a Sheriff's Sale after September 1, 2021. The filing fees for the motion filed on or before August 31, 2021, are waived. The motion may be electronically filed in the *Motions* section of the Civil Electronic Filing System at <https://fjdefile.phila.gov/>. If a filer does not have the means for electronic filing, the Office of Judicial Records should be contacted to make an appointment to file in person at the Court's Civil Filing Center. Phone: (215)686-4251 Email: OJRCivil@courts.phila.gov

- a) The motion shall include sufficient information for the Court to make a determination on the papers that the Property subject to sale is not and/or may not be eligible to receive funds under the American Rescue Plan, and shall include a blank Response Statement Form, Exhibit A attached hereto, and “The Important Notice to Homeowners,” Exhibit B attached hereto.
 - b) The motion packet shall be served on all owners and occupant(s) of the Property at issue.
 - c) Any occupant and/or owner of the Property contesting the allegations in the Motion shall file the Response Statement (Exhibit A) with the Office of Judicial Records no later than 20 days after service. A hearing will be scheduled if the Response Statement is filed. The Response Statement may be electronically filed as an *Answer/Response to Motion* in the *Motions* section of the Civil Electronic Filing System at <https://fjdefile.phila.gov/>. If a filer does not have the means for electronic filing, the Office of Judicial Records should be contacted to make an appointment to file in person at the Court’s Civil Filing Center. (Phone: (215)686-4251 Email: OJRCivil@courts.phila.gov)
 - d) The Court may grant or deny the motion on the pleadings or schedule the matter for hearing.
- 3) If the Motion is granted, movant shall deliver the Order to the Sheriff and request a Sheriff Sale be scheduled.

C. MORTGAGE SALES

- 1) Except as set forth in Section “A” above, all Philadelphia County Mortgage Sheriff Sales previously listed for Sheriff Sale on a date certain between March 17, 2020 and August 30, 2021 remain stayed unless ordered as set forth herein.
- 2) Plaintiff may file a motion to request the Property at issue be allowed to proceed to a Sheriff’s Sale after September 1, 2021. The filing fees for the motion filed on or before August 31, 2021, are waived. The motion may be electronically filed in the *Motions* section of the Civil Electronic Filing System at <https://fjdefile.phila.gov/>.
 - a) The motion shall include sufficient information for the Court to make a determination on the papers that the Property subject to sale is not and/or may not be eligible to receive funds under the American Rescue Plan, and shall include a blank Response Statement Form, Exhibit A attached hereto, and “The Important Notice to Homeowners,” Exhibit C attached hereto.
 - b) The motion packet shall be served on the all owners and occupant(s) of the Property at issue.

- c) Any occupant and/or owner of the Property contesting the allegations in the Motion shall file the Response Statement (Exhibit A) with the Office of Judicial Records no later than 20 days after service. A hearing will be scheduled if the Response Statement is filed. The Response Statement may be electronically filed as an *Answer/Response to Motion* in the *Motions* section of the Civil Electronic Filing System at <https://fjdefile.phila.gov/>. If a filer does not have the means for electronic filing, the Office of Judicial Records should be contacted to make an appointment to file in person at the Court's Civil Filing Center. (Phone: (215)686-4251 Email: OJRCivil@courts.phila.gov)
 - d) The Court may grant or deny the motion on the pleadings or schedule the matter for hearing.
- 3) If the motion is granted, movant shall deliver the Order to the Sheriff and request a Sheriff Sale be scheduled.

D. FURTHER PROCEDURES

- 1) All matters other than where motions were filed as described above will be subject to a supplemental Order designating procedures for homeowners to seek assistance from homeowner advocates regarding available resource connections once further information is available.

BY THE COURT:

/s/ Idee C. Fox

**Idee C. Fox, President Judge
Court of Common Pleas Philadelphia County
First Judicial District of Pennsylvania**

/s/ Lisette Shirdan-Harris

**Lisette Shirdan-Harris, Administrative Judge, Trial Division
Court of Common Pleas Philadelphia County
First Judicial District of Pennsylvania**

/s/ Daniel J. Anders

**Daniel J. Anders, Supervising Judge, Trial Division, Civil Section
Court of Common Pleas Philadelphia County
First Judicial District of Pennsylvania**

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

	Plaintiff	:	
v.		:	TERM, 20
		:	
		:	NO.
		:	
	Defendant	:	Sheriff Book _____ Writ _____

RESPONSE STATEMENT

I, _____, hereby certify as follows:

With regards to the Property located at

Philadelphia, PA _____

I reside in the property identified above.

Plaintiff has filed a Motion stating that the Property is vacant and/or commercial.

I request that the Court schedule a hearing to determine whether I live in the property.

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)/Occupant(s)

Phone Number:

Mobile Number:

Fax Number:

Email Address:

This Response Statement may be electronically filed as an *Answer/Response to Motion* in the *Motions* section of the Civil Electronic Filing System at <https://fjdefile.phila.gov/>. If you do not have the means for electronic filing, the Office of Judicial Records should be contacted to make an appointment to file in person at the Court's Civil Filing Center. Phone: (215)686-4251 Email: OJRCivil@courts.phila.gov.

EXHIBIT "A"



**First Judicial District of Pennsylvania
Court of Common Pleas of Philadelphia County**

IMPORTANT NOTICE TO HOMEOWNERS

The City of Philadelphia in your Tax Petition case has filed a request with the Court to allow your property to be sold at Sheriff's Sale because the City believes you do not live in the property.

If you do live in the property, you must file a Response Statement, included with this Notice, with the Court as soon as possible. To do this, you may go to the Office of Judicial Records at City Hall, email the Office of Judicial Records at OJRCivil@courts.phila.gov, or call **215-686-4251** to make an appointment to file in person.

You should also call the Save Your Home Philly Hotline at 215-334-4663 for assistance with stopping your sale.

If you do not live in the property, you may file a Motion to Postpone the Sheriff's Sale.

If you ignore this notice, **the Property may be sold** at a Sheriff's Sale.

For questions or for assistance filing the Occupant Certification, call the Save Your Home Philly Hotline:

215-334-HOME or 215-334-4663

You can also contact _____ [insert firm name and contact information] to discuss your payment options.

EXHIBIT "B"



**First Judicial District of Pennsylvania
Court of Common Pleas of Philadelphia County**

IMPORTANT NOTICE TO HOMEOWNERS

The Plaintiff in your mortgage foreclosure case has filed a request with the Court to allow your property to be sold at Sheriff's Sale because the Plaintiff believes you do not live in the property.

If you do live in the property, you must file a Response Statement, included with this Notice, with the Court as soon as possible. To do this, you may go to the Office of Judicial Records at City Hall, email the Office of Judicial Records at OJRCivil@courts.phila.gov, or call **215-686-4251** to make an appointment to file in person.

You should also call the Save Your Home Philly Hotline at 215-334-4663 for assistance with stopping your sale.

If you do not live in the property, you may file a Motion to Postpone the Sheriff's Sale.

If you ignore this notice, **the Property may be sold** at a Sheriff's Sale.

For questions or for assistance filing the Occupant Certification, call the Save Your Home Philly Hotline:

215-334-HOME or 215-334-4663

You can also contact _____ [insert firm name and contact information] to discuss your payment options.

EXHIBIT "C"