



## DEAR VALUED CLIENT:

Attached please find the Philadelphia President Judge Administrative Order entered today, July 20, 2020. In prior RAS alerts, we indicated that we were actively working with Philadelphia decision-makers concerning Philadelphia's policy prohibiting new foreclosure action filings on vacant or abandoned properties, which policy, we believe, exceeded the scope of Pennsylvania Governor Wolf's foreclosure-related Orders along with the GSE guidance concerning permitting first legal filings on vacant or abandoned properties through August 31, 2020. We are pleased to report that the attached Administrative Order aligns with our understanding of Governor Wolf's directives and the exceptions to the federal moratoria through August 31, 2020. Specifically, the Administrative Order provides, in relevant parts:

- Foreclosure Complaints will be accepted for filing with an annexed Certification executed by default counsel stating that "This action is not subject to Act 6 and Act 91 requirements." Therefore, Philadelphia is accepting foreclosure Complaints on all vacant or abandoned properties, which are excluded from both Acts 6 and 91.
- There is a stay on the issuance of Writs of Execution and Possession until August 31, 2020. Thus, no new sale or lockout date will be obtained prior to August 31, 2020.
- No "final disposition may be ordered until August 31, 2020" concerning an ejectment or foreclosure action. It is our understanding that the Court will still be entertaining default judgments since this directive only appears to pertain to judgments entered by Order, and not by an administrative default. Thus, this final disposition stay would only apply to litigated files where a motion for summary judgment or motion for judgment on the pleadings is pending/filed prior to August 31, 2020.

Thus, we are not aware of any prohibition to file a foreclosure action on a vacant or abandoned property in Pennsylvania as of today, July 20, 2020. In addition to being able to move on vacant or abandoned properties, since there is a significant population of "occupied" conventional files that do not implicate Acts 6 or 91 and those filings are not within the scope of the Governor's Orders, we urge you to reach out to the firm to review any Pennsylvania conventional file for referral or hold removal at this time.

Thank you.

David Neeren, Esquire  
General Counsel



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

**President Judge Administrative Order**

**No. 49 of 2020**

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**In re: Continuation of Stay for Specific Actions Related to the Dispossession of Property**

**ORDER**

AND NOW, this 20<sup>th</sup> day of July, 2020, pursuant to Pa.R.J.A. No 1952 (B)(2), the Judicial Emergency declared by the First Judicial District, and upon consideration of Governor Wolf's July 9, 2020 Order regarding Staying Notice Requirements for Specified Actions Related to the Dispossession of Property, **it is hereby ORDERED and DECREED** as follows:

- (1) Pursuant to Governor Wolf's July 9, 2020 Executive Order, effective July 10, 2020, the notices mandated by Act 6 and Act 91 are stayed until August 31, 2020, thereby delaying the filing of new mortgage foreclosure cases subject to the Act 6 and Act 91 requirements until August 31, 2020. New cases may be filed where it is alleged that Act 6 and Act 91 do not apply, provided however, that Plaintiff's counsel completes a cover sheet in which counsel certifies that "This action is not subject to Act 6 and Act 91 requirements." Said cover sheet must be signed by Plaintiff's counsel with name printed below.
- (2) The stay on the issuance of residential writs of possession and the execution or enforcement of residential writs of possession by Orders issued on March 15, 2020 (Nos. 7 and 8 of 2020 and April 22, 2020 (NO. 31 of 2020) shall continue until August 31, 2020.
- (3) No final disposition may be ordered until August 31, 2020 in connection with residential landlord-tenant, ejectment and mortgage foreclosure claims filed in the Court of Common Pleas before May 11, 2020.
- (4) Writs of execution and attachment seeking the enforcement of money judgments, including but not limited to garnishment of bank accounts, previously stayed by Order issued on April 22, 2020, (No. 17 of 2020) may be issued and served on or after July 20, 2020. Any person who seeks a Stay of Execution or has a Claim for Exemption shall do so as set forth in Pennsylvania Rules of Civil Procedures 3211, 3123 and 3123.1.
- (5) **Information Regarding Appeals from Philadelphia Municipal Court Judgments.** A judgment of the Philadelphia Municipal Court may be appealed to the Court of Common Pleas as provided in Philadelphia Rule of Civil Procedure \*1001.

To appeal to the Court of Common Pleas parties may email the Office of Judicial Records at OJR\_Civil@courts.phila.gov or call (215) 686-4251 to ask about how to file an appeal to the Court of Common Pleas. Office of Judicial Records staff can assist the Appellant with using the Electronic Filing System so that the appealing party may file from home or Office of Judicial Records staff can make an appointment for the appealing party to file in person at the Civil Filing Center in City Hall during normal business hours.

- (6) This Order supersedes conflicting provisions contained in President Judge Order No. 17 of 2020.

**BY THE COURT:**

/s/ *Idee C. Fox*

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