IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA
Civil Division

:

Plaintiff

VS : **NO.**

Defendant :

PRAECIPE FOR WRIT OF EXECUTION UPON A CONFESSED JUDGMENT

To the Prothonotary:

Issue a writ of execution upon a judgment entered by confession in the above matter,

(1) directed to the Sheriff of _____ County:

(2) against _____, defendant and
(defendant)

(3) against _____, garnishee
(garnishee)

(4) and index this writ,

(a) against _____,

(b) _____, defendant
(address)

(b) against _____, as garnishee,
(garnishee)

_____
(address)

as a lis pendens against real property of the defendant in name of garnishee as follows:
(See attached) _____

(5) Amount due $_____
Interest from _____ $_____
Attorney's fees ** $_____
Costs to be added $_____

**Where judgment has been entered under Rule 2591(a), attorney's fees may be included if they are authorized in the instrument and there has been a record appearance of counsel at any stage of the proceedings.

CERTIFICATION

I certify that:

(a) This Praecipe is based upon a judgment entered by confession, and
(Delete four of the following paragraphs which are inapplicable)

(b) Notice has been served pursuant to Rule 2958.1 at least thirty days prior to the filing of this Praecipe as evidenced by a return of service filed of record.

(c) Notice will be served at least thirty days prior to the date of the Sheriff's sale of real property pursuant to Rule 2958.2.

(d) Notice will be served with the writ of execution pursuant to Rule 2958.3.

(e) Notice was served in connection with a prior execution on this judgment and pursuant to Rule 2958.4(b), no further notice is required.

(f) Notice is not required under Rule 2956.1(c) because a petition to open or strike the judgment was previously filed.

_____
Attorney for plaintiff

_____
Address

_____

_____
Phone Number

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA
Civil Division

:

Plaintiff

VS : **NO.**

Defendant :

NOTICE UNDER RULE 2958.1
OF JUDGMENT AND EXECUTION THEREON

Notice of Defendant's Rights

To: _____, Defendant(s).

A judgment in the amount of $ _____ has been entered against you and in favor of the plaintiff without any prior notice or hearing based on a confession of judgment contained in a written agreement or other paper allegedly signed by you. The sheriff may take your money or other property to pay the judgment at any time after thirty (30) days after the date on which this notice is served on you.

You may have legal rights to defeat the judgment or to prevent your money or property from being taken. YOU MUST FILE A PETITION SEEKING RELIEF FROM THE JUDGMENT AND PRESENT IT TO A JUDGE WITHIN THIRTY (30) DAYS AFTER THE DATE ON WHICH THIS NOTICE IS SERVED ON YOU OR YOU MAY LOSE YOUR RIGHTS.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, 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.

LAWYER REFERENCE SERVICE
409 Cherry Street
Norristown, PA 19401
(610) 279-9660

_____
Attorney for plaintiff

_____
Address

_____

_____
Phone Number

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA
Civil Division

:

Plaintiff

VS : **NO.**

Defendant :

NOTICE UNDER RULE 2958.2
OF JUDGMENT AND EXECUTION THEREON

Notice of Defendant's Rights

To: _____, Defendant(s)

A judgment in the amount of $_____has been entered against you and in favor of the plaintiff without any prior notice of hearing based on a confession of judgment contained in a written agreement or other paper allegedly signed by you. The court has issued a writ of execution which directs the sheriff to levy upon and sell certain real property owned by you to pay the judgment. The sheriff's sale has been scheduled for _____.

You may have legal rights to defeat the judgment or to prevent or delay the sheriff's sale.

1. YOU MUST FILE A PETITION SEEKING RELIEF FROM THE JUDGMENT OR DELAY OF THE SHERIFF'S SALE PRIOR TO THE SHERIFF'S SALE OR YOU MAY LOSE YOUR RIGHTS.

11. YOU MUST FILE A PETITION SEEKING RELIEF FROM THE JUDGMENT AND PRESENT IT TO A JUDGE WITHIN THIRTY (30) DAYS AFTER THE DATE ON WHICH THIS NOTICE IS SERVED ON YOU OR YOU MAY LOSE YOUR RIGHTS.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, 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 THE AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

LAWYER REFERENCE SERVICE
409 Cherry Street
Norristown, PA 19401
(610) 279-9660

_____
Attorney for plaintiff

_____
Address

_____

_____
Phone Number

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA
Civil Division

:

Plaintiff

VS : **NO.**

Defendant :

NOTICE UNDER RULE 2958.3
OF JUDGMENT AND EXECUTION THEREON

Notice of Defendant's Rights

To: _____, Defendant(s)

A judgment in the amount of $ _____ has been entered against you and in favor of the plaintiff without any prior notice or hearing based on a confession of judgment contained in a written agreement or other paper allegedly signed by you. The court has issued a writ of execution which directs the sheriff to take your money or other property owned by you to pay the judgment.

If your money or property has been taken, you have the right to get the money or property back if you did not voluntarily, intelligently and knowingly give up your constitutional right to notice and hearing prior to the entry of judgment or if you have defenses or other valid objections to the judgment.

You have a right to a prompt court hearing if you claim that you did not voluntarily, intelligently and knowingly give up your rights to notice and hearing prior to the entry of the judgment. If you wish to exercise this right, you must immediately fill out and sign the petition to strike the judgment which accompanies the writ of execution and deliver it to the Sheriff of _____County at_____.

IT IS IMPORTANT THAT YOU ACT PROMPTLY. IT WILL BE TOO LATE TO REGAIN YOUR PROPERTY IF YOU WAIT UNTIL AFTER THE PROPERTY HAS BEEN SOLD BY THE SHERIFF OR TURNED OVER TO THE PLAINTIFF.

YOU MUST FILE A PETITION SEEKING RELIEF FROM THE JUDGMENT AND PRESENT IT TO A JUDGE WITHIN THIRTY (30) DAYS AFTER THE DATE ON WHICH THIS NOTICE IS SERVED ON YOU OR YOU MAY LOSE YOUR RIGHTS.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, 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 THE AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

LAWYER REFERENCE SERVICE
409 Cherry Street
Norristown, PA 19401
(610) 279-9660

_____
Attorney for plaintiff

_____
Address

_____

_____
Phone Number

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA
Civil Division

:

Plaintiff

VS : **NO.**

Defendant :

PETITION TO STRIKE JUDGMENT

REQUEST FOR PROMPT HEARING

I hereby certify that I did not voluntarily, intelligently and knowingly give up my rights to notice and hearing prior to entry of judgment. I petition the court to strike the judgment on this ground and request a prompt hearing on this issue.

I verify that the statements made in this Request for Hearing are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S 4904 relating to unsworn falsification to authorities.

Notice of the hearing should be give to me at: _____
(Street Address)

_____
(City, State)

_____
(Phone)

Dated: _____ Defendant(s):_____

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA
Civil Division

:

Plaintiff

VS : **NO.**

Defendant :

WRIT OF EXECUTION NOTICE

This paper is a Writ of Execution. It has been issued because there is a judgment against you. It may cause your property to be held or taken to pay for the judgment. You may have legal rights to prevent your property from being taken. A lawyer can advise you more specifically of these rights. If you wish to exercise your rights, you must act promptly.

The law provides that certain property cannot be taken. Such property is said to be exempt. There is a debtor's exemption of $300. There are other exemptions which may be applicable to you. Attached is a summary of some of the major exemptions. You may have other exemptions or other rights.

If you have an exemption, you should do the following promptly: (1) Fill out the attached claim form and demand for a prompt hearing. (2) Deliver the form or mail it to the Sheriff's Office at the address noted.

You should come to court ready to explain your exemption. If you do not come to court and prove your exemption, you may lose some of your property.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, 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 OR AT A REDUCED FEE OR NO FEE.

LAWYER REFERENCE SERVICE
100 West Airy Street
PO Box 268
Norristown, PA 19404-0268
(610) 279-9660

(03/10)

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA
Civil Division

:

Plaintiff

VS : **NO.**

Defendant :

WRIT OF EXECUTION

Commonwealth of Pennsylvania, County of Montgomery

To the Sheriff of _____ County:

To satisfy the judgment, interest and costs against _____, defendant
(Name of Defendant)

(1) you are directed to levy upon the property of the defendant and to sell the defendant's interest therein;

(2) you are also directed to attach the property of the defendant not levied upon in the possession of _____, as garnishee,
(Name of Garnishee)

_____
(Specifically describe property) and to notify the garnishee that

(a) an attachment has been issued:
(b) except as provided in paragraph (c), the garnishee is enjoined from paying any debt to or for the account of the defendant and from delivering any property of the defendant or otherwise disposing thereof:
(c) the attachment shall not include any funds in an account of the defendant with a bank or other financial institution

(i) in which funds are deposited electronically on a recurring basis and are identified as being funds that upon deposit are exempt from execution, levy or attachment under Pennsylvania or federal law, or

(ii) that total $300 or less. If multiple accounts are attached, a total of $300 in all accounts shall not be subject to levy and attachment as determined by the execution officer. The funds shall be set aside pursuant to the defendant's general exemption provided in 42PA.C.S. **§** 8123

(3) if property of the defendant not levied upon and subject to attachment if found in the possession of anyone other than a named garnishee, you are directed to notify such other person that he or she has been added as a garnishee and is enjoined as above stated.

COSTS:

Prothonotary: $_____

Sheriff: $_____
Date: _____

Amount due $_____
Interest from _____ $_____
Attorney's fees $_____
(Costs to be added) $_____

_____
Prothonotary

By: _____
Clerk

Seal

MAJOR EXEMPTIONS UNDER PENNSYLVANIA AND FEDERAL LAW

1. $300 statutory exemption
2. Bibles, school books, sewing machines, uniforms and equipment
3. Most wages and unemployment compensation
4. Social Security benefits
5. Certain retirement funds and accounts
6. Certain veteran and armed forces benefits
7. Certain insurance proceeds
8. Such other exemptions as may be provided by law

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA
Civil Division

:

Plaintiff

VS : **NO.**

Defendant :

CLAIM FOR EXEMPTION

To the Sheriff:

I, the above-named defendant, claim exemption of property from levy or attachment:

(1) From my personal property in my possession which has been levied upon,

(a) I desire that my $300 statutory exemption be

☐ (i) set aside in kind (specify property to be set aside in kind):

_____

☐ (ii) paid in cash following the sale of property levied upon; or

(b) I claim the following exemption (specify property and basis of exemption)"

_____

(2) From my property which is in the possession of a third party, I claim the following exemptions: _____

(a) my $300 statutory exemption: ☐ in cash; ☐ in kind (specify property):

_____

(b) other (specific amount and basis of exemption): _____

_____

CLAIM FOR EXEMPTION (continued)

I request a prompt court hearing to determine the exemption. Notice of the hearing should be given to me at _____ (Address), _____(Telephone number).

I verify that the statements made in this Claim for Exemption are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.CS. § 4904 relating to unsworn falsification to authorities.

Date: _____ _____
(Defendant)

THIS CLAIM TO BE FILED WITH

THE OFFICE OF THE SHERIFF OF MONTGOMERY COUNTY COURTHOUSE
PO BOX 311
NORRISTOWN, PA 19404-0311
610-278-3331