

**IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA
CIVIL DIVISION**

 VS. _____ NO.

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
 (Name of Defendant)

(3) against _____, garnishee
 (Name of Garnishee)

(4) and index this writ

(a) against _____, defendant
 (Name of Defendant)

 (Address of Defendant)

(b) against _____, as garnishee, as a
 (Name of Garnishee)

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 Praecipec 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 Praecipec 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 has not been filed.

 Attorney for Plaintiff

 Address

 Telephone

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA
CIVIL DIVISION

:

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VS.

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NO.

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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

Telephone

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA
CIVIL DIVISION

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VS.

NO.

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 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 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.

I. 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.

II. 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

Telephone

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA
CIVIL DIVISION

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VS.

NO.

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 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

Telephone

VS.

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NO.

PETITION TO STRIKE JUDGMENT

REQUEST FOR PROMPT HEARING

I hereby certify that I did not voluntarily, intelligently and knowingly give up my right 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 given to me at:

(Street Address)

(City, State)

(Phone)

Dated: _____

Defendant(s): _____

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA

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VS.

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NO.

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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 THE JUDGMENT. YOU MAY HAVE LEGAL RIGHTS TO PREVENT YOUR PROPERTY FROM BEING TAKEN. A LAWYER CAN ADVISE YOU MORE SPECIFICALLY ON 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 \$300.00. THERE ARE OTHER EXEMPTIONS WHICH MAY BE APPLICABLE TO YOU. A SUMMARY OF THE MAJOR EXEMPTIONS ARE LISTED BELOW. YOU MAY HAVE OTHER EXEMPTIONS OR OTHER RIGHTS.

MAJOR EXEMPTIONS UNDER PENNSYLVANIA AND FEDERAL LAW

1. \$300.00 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.

IF YOU HAVE AN EXEMPTION, YOU SHOULD FIRST DO THE FOLLOWING PROMPTLY:
(1) FILL OUT THE ATTACHED CLAIM FORM AND DEMAND FOR A PROMPT HEARING AND
(2) DELIVER THE FORM OR MAIL IT TO THE SHERIFF'S OFFICE AT THE ADDRESS NOTED.

YOU SHOULD COME TO THE COURT READY TO EXPLAIN YOUR EXEMPTION. IF YOU DO NOT COME TO THE 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 ELLIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

LAWYER REFERENCE SERVICE
409 CHERRY STREET
NORRISTOWN, PA 19401
(610) 279-9660

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA

VS.

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NO.

WRIT OF EXECUTION

COMMONWEALTH OF PENNSYLVANIA, COUNTY OF MONTGOMERY

TO THE SHERIFF OF _____ COUNTY, PA

To Satisfy the judgment, interest and costs against the defendant(s) _____;

(1) You are directed to levy upon the property of the defendant(s) and to sell her, her (or their) interest therein;

(2) You are also directed to attach the property of the defendant not levied upon in the possession of _____

as Garnishee(s) per the following property description:
and to notify the Garnishee(s) that

- (a) An attachment has been issued;
- (b) The garnishee(s)is/are enjoined from paying out any debt to or for the account of the defendant(s) and from delivering any property of the defendant(s) or otherwise disposing thereof.

(3) If property of the defendant not levied upon and subject to attachment is found in the possession of anyone other than the named garnishee(s), you are directed to notify them that they have been added as a garnishee and are enjoined as above stated.

COSTS:

Prothonotary: \$ _____

Sheriff: \$ _____

Amount Due: \$ _____

Interest From: \$ _____

Total: \$ _____

Plus costs as per endorsement heron.

NOAH MARLIER, PROTHONOTARY

SEAL

Agent/Deputy

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA

:

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VS.

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NO.

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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:
 - (1) Set aside in kind (specify property to be set aside in kind);
 - (2) Paid in cash following the sale of the 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:
 - (1) In cash;
 - (2) In kind (specify property): _____
 - B. Social Security benefits on deposit in the amount of \$ _____
 - C. Other (specify amount and basis of exemption)

CLAIM FOR EXEMPTION – Continued

I request a prompt hearing to determine the exemption. Notice of the hearing should be given to me at the following address _____

And the following phone 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. C. S. § 4904 relating to unsworn falsification to authorities.

Date: _____

Signature of Defendant

THIS CLAIM TO BE FILED WITH
THE OFFICE OF THE SHERIFF OF MONTGOMERY COUNTY COURTHOUSE
NORRISTOWN, PENNSYLVANIA 19404