

# THE COURTS

## Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

### ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS

[204 PA. CODE CH. 215]

#### Selection of the Special Independent Prosecutor's Panel

Pursuant to 18 Pa.C.S. § 9311(b) the term of office for members of the Special Independent Prosecutor's Panel shall be for a period of three years. The term of office for the Honorable Rochelle S. Friedman, Commonwealth Court of Pennsylvania; the Honorable Paul W. Tressler, Montgomery County Court of Common Pleas; and the Honorable Donald E. Machen, Allegheny Court of Common Pleas expired on July 28, 2001.

Under 18 Pa.C.S. § 9311(a) (relating to selection of special independent prosecutor's panel), the Court Administrator of Pennsylvania is required to determine and supervise the procedure for selecting members of the panel.

In accordance with 18 Pa.C.S. § 9311(a), a panel composed of one judge of the Commonwealth Court and two judges of the Courts of Common Pleas were chosen at random. The judges selected were: the Honorable Dante R. Pellegrini, Commonwealth Court of Pennsylvania; the Honorable Thomas J. Terputac, Senior Judge, Washington County Court of Common Pleas; and the Honorable Margherita Patti Worthington, Monroe County Court of Common Pleas.

ZYGMONT A. PINES,  
*Court Administrator of Pennsylvania*

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## Title 246—MINOR COURT CIVIL RULES

### PART I. GENERAL

[246 PA. CODE CHS. 200—500 AND 1000]

#### Satisfaction of Money Judgments

##### Introduction

In response to comments received after the proposal's first publication, the Minor Court Rules Committee has revised its proposal to renumber Pa. R.C.P.D.J. No. 325, adopt entirely new Pa. R.C.P.D.J. Nos. 211, 341, and 342, and amend or revise the Notes to Pa. R.C.P.D.J. Nos. 306, 315, 324, 402, 514, 518, 1001, and 1007 to provide a procedural mechanism for the entry of satisfaction of money judgments rendered by district justices, and to make other technical or "housekeeping" amendments to these rules. The original proposal and Report were published at 31 Pa.B. 1319 (March 10, 2001). The Committee has not submitted this proposal for review by the Supreme Court of Pennsylvania.

The following explanatory Revised Report highlights the Committee's considerations in formulating this proposal and the revisions made since the first publication. The Committee's Revised Report should not be confused with the official Committee Notes to the rules. The Supreme Court does not adopt the Committee's Notes or the contents of the explanatory Reports.

The text of the proposed changes precedes the Revised Report. Except for proposed entirely new rules, additions are shown in bold; deletions are in bold and brackets.

We request that interested persons submit suggestions, comments, or objections concerning this proposal to the Committee through counsel, Michael F. Krimmel, Counsel, Supreme Court of Pennsylvania, Minor Court Rules Committee, 5035 Ritter Road, Suite 700, Mechanicsburg, PA 17055, or e-mail to: [minorcourt.rules@supreme.court.state.pa.us](mailto:minorcourt.rules@supreme.court.state.pa.us) no later than Friday, September 14, 2001.

*By the Minor Court Rules Committee*

FRED A. PIERANTONI, III,  
*Chair*

### Annex A

#### TITLE 246. MINOR COURT CIVIL RULES

##### PART I. GENERAL

#### CHAPTER 200. RULES OF CONSTRUCTION; GENERAL PROVISIONS

#### **Rule 211. Abolished, Consolidated, or Changed Magisterial Districts; Subsequent Filings.**

When these rules specify that a party is to file or serve an ancillary or supplementary action in the court which rendered a judgment or issued other process, but that court no longer exists or its magisterial district boundaries have been changed, the party may file or serve the ancillary or supplementary action only in the court in which the original record of the proceedings containing the judgment is filed.

**Official Note:** This rule provides a procedure for filing or serving an ancillary or supplementary action, when the action should be filed or served in the court which rendered the judgment or issued other process, but that court has been abolished, consolidated or otherwise changed. Such actions may include a request for order of execution or a request for a certified copy of a judgment (see Rule 402), an objection to levy or other property claim (see Rule 413), a request for order of possession (see Rule 515), or a request for entry of satisfaction (see Rule 341), among others. The rule provides that, under these circumstances, the action may be filed or served only in the court which has become the official custodian of the original record, even though that court did not render the judgment.

Adopted \_\_\_\_\_, effective \_\_\_\_\_.

#### CHAPTER 300. CIVIL ACTION

#### **Rule 306. Numbering and Filing of Complaints.**

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**Official Note:** It was felt that this rule contained all the provisions concerning office procedures that should be required by rule. [It is hoped, however, that close supervision by the State Court Administrator will bring about ] The Court Administrator of Pennsylvania publishes

the *District Justice Automated Office Clerical Procedures Manual* that prescribes uniform filing, record keeping and other office procedures.

**“Complaints filed in the case by a defendant” means cross-complaints filed pursuant to Rule 315. Supplementary actions filed pursuant to Rule 342 shall be numbered and filed as miscellaneous docket actions.**

Amended June 30, 1982, effective 30 days after July 17, 1982; Note revised \_\_\_\_\_, effective \_\_\_\_\_.

**Rule 315. Claim by Defendant.**

A. The defendant, by filing [ **his own** ] a complaint at least five [ **(5)** ] days before the date set for the hearing, may assert in the case any claim against the plaintiff [ **which** ] that is within the jurisdiction of a district justice. Such a claim need not arise from the same transaction or occurrence from which the plaintiff's claim arose, nor need it be the same type of claim.

B. The rules governing the form, processing, and service of a plaintiff's complaint shall apply also to the defendant's complaint, and a date and time for the hearing of both complaints together shall be set which shall not be less than [ **twelve (12)** ] 12 or more than [ **thirty (30)** ] 30 days from the filing of the defendant's complaint.

\* \* \* \* \*

D. If the defendant files a cross-complaint, the district justice shall promptly notify the plaintiff of the time and date set for the hearing of both complaints together. If the plaintiff has an attorney of record [ **named in the complaint form filed by him** ], the notice shall be given to the attorney of record instead of to the plaintiff.

**Official Note:** Subdivision A of this rule permits the defendant to file a cross-complaint against the plaintiff at least five days before the date originally set for the hearing, if it is for a claim cognizable by a district justice. [ **See the Judicial Code, § 1515(a)(3)** ] **See Section 1515(a)(3) of the Judicial Code, 42 Pa.C.S. § 1515(a)(3), [ as amended by § 10(18) of the Judiciary Act Repealer Act, Act of April 28, 1978, P.L. 202, No. 53, ]** as to waiver of jurisdictional limits, a defendant filing a cross-complaint being considered a “plaintiff” as to the cross-complaint within the meaning of this statute. [ **Such a claim need not comply with the counterclaim rules found in Pa. R.C.P. Nos. 1031(a) and 1046.** ] The requirement that a cross-complaint be filed at least five days before the hearing [ **limitation** ] is intended to give the district justice time to notify the plaintiff or [ **his** ] the plaintiff's attorney, under subdivision D of the rule, of any new hearing time and date [ **, so that he will not arrive at the office of the district justice with his witnesses only to find that the original date of the hearing has been changed to a later date** ]. Notice under subdivision D is not a substitute for the service required under subdivision B. If the defendant does not file [ **within the five day period, he can** ] an action at least five days before the hearing, the defendant may still file a complaint against the plaintiff but it will not be processed [ **under the cross-complaint rules** ] as a cross-complaint.

No provision has been made for a stay of the district justice proceedings upon notice by the defendant [ **that**

**he intends** ] of intention to commence an action in the court of common pleas on a claim against the plaintiff not within district justice jurisdiction. It was thought that no such provision was necessary, for if the plaintiff prevails in the district justice action the defendant may appeal, the appeal operates as an automatic supersedeas of the money judgment, the case is heard de novo, and the defendant may assert [ **his** ] a claim in the court of common pleas, possibly as a counterclaim. [ **See Pa. R.C.P.J.P. Nos.** ] **See Rules 1002, 1007, and 1008.**

Since a cross-complaint is in the nature of a responsive pleading, there is no fee for filing it.

\* \* \* \* \*

**No cross-complaint may be filed in a supplementary action filed under Rule 342. See Rule 342 and Note.**

Amended Oct. 17, 1975, effective in 90 days; Jan. 29, 1976, effective in 30 days; April 25, 1979, effective in 30 days; June 30, 1982, effective 30 days after July 17, 1982; amended \_\_\_\_\_, effective \_\_\_\_\_.

**Rule 324. Notice of Judgment, Dismissal or Continuance, and the Right to Appeal.**

A. The district justice shall promptly give or mail to the parties written notice of judgment, dismissal or continuance. The written notice shall be given or mailed to all parties, but if any party has an attorney of record [ **named in the complaint form** ], the written notice shall be given or mailed to the attorney of record instead of to the party.

B. [ **Notice** ] The written notice of judgment shall contain:

(1) advice as to the right of the parties to appeal, the time within which the appeal must be taken, and that the appeal is to the court of common pleas [ **.** ] ,

(2) a statement advising that, except as otherwise provided in the rules, if the judgment holder elects to enter the judgment in the court of common pleas, all further process must come from the court of common pleas and no further process may be issued by the district justice, and

(3) a statement advising that unless the judgment is entered in the court of common pleas the judgment debtor may file a request for entry of satisfaction with the district justice if the judgment debtor pays in full, settles, or otherwise complies with the judgment.

**Official Note:** As to subdivision B(2), see Rule 402(D) and Note. As to subdivision B(3), see Rule 341.

Amended effective Feb. 1, 1973; amended Oct. 17, 1975, effective in 90 days; April 25, 1979, effective in 30 days; June 30, 1982, effective 30 days after July 17, 1982; amended effective Dec. 1, 1983; amended March 27, 1992, effective June 25, 1992 [ **The March 27, 1992, Order provided in part: “In promulgating this Order, the Court recognizes that the District Justice Automation Project will be affected by said Rule changes and that, therefore, those Rules which affect the Project will become effective as the District Justice offices are brought on-line.”** ]; amended and Note added \_\_\_\_\_, effective \_\_\_\_\_.

Rule [ **325** ] 210. Practices Prohibited.

\* \* \* \* \*

[Amended] Rule 325 amended June 30, 1982, effective 30 days after July 17, 1982; renumbered Rule 210 \_\_\_\_\_, effective \_\_\_\_\_.

**SATISFACTION OF MONEY JUDGMENTS**

**Rule 341. Request for Entry of Satisfaction; Service; Entry of Satisfaction.**

A. If a judgment debtor has paid in full, settled, or otherwise complied with a judgment rendered in a district justice court, anyone interested in the judgment may request the entry of satisfaction of the judgment by filing a written request in the office of the district justice who rendered the judgment.

B. A request for entry of satisfaction by anyone other than the judgment creditor must be served upon the judgment creditor in accordance with the rules in the 300 Series regarding service of the complaint.

C. Within 90 days from the date of service of the request for entry of satisfaction, the judgment creditor shall enter satisfaction in the office of the district justice in which the request for entry of satisfaction was filed.

**Official Note:** Subdivision A provides a mechanism for a judgment debtor, or anyone interested in the judgment, to file a written request for entry of satisfaction in the office of the district justice who rendered the judgment. See Section 8104(a) of the Judicial Code, 42 Pa.C.S. § 8104(a).

The party requesting the entry of satisfaction must pay any costs for the entry of satisfaction. See Section 8104(a) of the Judicial Code, 42 Pa.C.S. § 8104(a).

Subdivision B is intended to provide a number of alternative methods of service. See Rules 307, 308, 309, 310, 311, 312 and 313. When permitted, service by mail should be at the option of the person filing the request for entry of satisfaction.

Upon the entry of satisfaction, the judgment debtor may file a true copy of the entry of satisfaction in any other district justice court in which the judgment may have been entered pursuant to Rule 402. Nothing in this rule is intended to suggest that it is the obligation of the judgment creditor to enter satisfaction in any court other than the court specified in subdivision C.

These procedures also apply to satisfaction of money judgments rendered in actions for the recovery of possession of real property (landlord/tenant actions). See Rules 514 and 518.

If a judgment creditor does not comply with the provisions of this rule, the judgment debtor may proceed under Rule 342.

A party may contest the entry of satisfaction by filing a petition to strike the entry of satisfaction with the court of common pleas.

Adopted \_\_\_\_\_, effective \_\_\_\_\_.

**Rule 342. Failure of Judgment Creditor to Enter Satisfaction; Supplementary Action.**

A. If the judgment creditor does not enter satisfaction within the 90 day period after service of the request as specified in Rule 341(C), the judgment debtor may commence a supplementary action for damages by filing a civil complaint in the office of the district justice in which the request for entry of satisfaction was filed.

B. (1) Except as provided in subparagraph B(2), upon the filing of a complaint as provided in subdivision A, the action shall proceed as a civil action in accordance with the rules of the 300 Series.

(2) No claim under Rule 315 will be permitted in a supplementary action filed pursuant to this Rule.

**Official Note:** A judgment debtor may seek damages pursuant to Section 8104(b) of the Judicial Code, 42 Pa.C.S. § 8104(b). The action commenced under subdivision A of this Rule is a supplementary proceeding in the matter in which the judgment was entered. As such, it must be filed in the office of the district justice in which the request for entry of satisfaction was filed. Also, the supplementary action shall be numbered and filed as a miscellaneous docket action. See Rule 306 and Note. Because the supplementary action is merely a continuation of the underlying action, there are no filing costs for it, however there may be costs for service of the action.

Subdivision B provides that, once a supplementary action is filed under subdivision A, the proceedings in the action, including the form of the complaint, setting the hearing date, service, and hearing, should proceed as if a regular civil action, except that no cross-complaints under Rule 315 will be permitted. See Rules 304 through 381. While it is not the intent of this rule to limit defenses that may be raised in a supplementary action, only those issues arising from the Rule 342 supplementary action are to be considered at the hearing. Therefore, subparagraph B(2) makes clear that no cross-complaints are permitted to be filed.

When rendering judgment in an action filed pursuant to this rule, the district justice may determine if the judgment debtor is entitled to damages under Section 8104(b) of the Judicial Code, 42 Pa.C.S. § 8104(b), and whether satisfaction should be entered on the underlying judgment.

A party may appeal from a judgment in an action filed pursuant to this rule, but issues on appeal are limited to those raised in the action filed under this rule. See Rule 1007.

Adopted \_\_\_\_\_, effective \_\_\_\_\_.

**CHAPTER 400. EXECUTION OF JUDGMENTS FOR THE PAYMENT OF MONEY**

**Rule 402. Request for Order of Execution. Entry of Judgment in Court of Common Pleas.**

A. Execution of a judgment for the payment of money rendered by a district justice may be ordered by a district justice in whose office the judgment was rendered or entered, provided the plaintiff files in that office

(1) not before the expiration of [ **thirty (30)** ] **30** days from the date the judgment is entered by the district justice, and

(2) within five [ **(5)** ] years of that date,

a request for an order of execution [ **on a form which shall be prescribed by the State Court Administrator** ].

\* \* \* \* \*

C. The plaintiff may enter the judgment, for the purpose of requesting an order of execution thereon, in an office of a district justice other than that in which it was rendered only if [ :

(1) **the office of the district justice in which the judgment is entered for execution is that of the district justice of the magisterial district within the boundaries of which the district justice who rendered the judgment conducted his magisterial business, or**

(2) ] levy is to be made outside the county in which the judgment was rendered and the office in which the judgment is entered for execution is that of a district justice whose magisterial district is situated in the county in which levy is to be made. The plaintiff may enter the judgment in such other office by filing therein a copy of the record of the proceedings containing the judgment, certified to be a true copy by the district justice in whose existing office the judgment was rendered or by any other official custodian of the record.

D. (1) The plaintiff may enter the judgment in the court of common pleas in any county. When so entered, the indexing, revival and execution of the judgment shall be in accordance with procedures applicable in the court of common pleas.

(2) The judgment may be entered in the court of common pleas by filing with the prothonotary a copy of the record of the proceedings containing the judgment, certified to be a true copy by the district justice in whose office the judgment was rendered or by any other official custodian of the record.

(3) The judgment may be entered in the court of common pleas after [ thirty (30) ] 30 days from the date the judgment is entered by the district justice. The judgment may not be entered in the court of common pleas after five [ (5) ] years from the date the judgment is entered by the district justice.

(4) Except as provided in subparagraph D(5) of this rule, once the judgment is entered in the court of common pleas all further process must come from the court of common pleas and no further process may be issued by the district justice.

(5) If the judgment has been entered in the court of common pleas and satisfaction of the judgment is entered in the court of common pleas, the district justice may enter the satisfaction on the docket of the district justice proceedings upon filing by any party in interest of proof of the entry of satisfaction.

**Official Note:** Under subdivision A of the rule, the execution proceedings are commenced by requesting an "order of execution." [ on a new form or form to be prescribed by the State Court Administrator. This is in accordance with the purpose of simplifying district justice procedures sought to be achieved throughout these rules. See the note to Rule 304. ] The request may not be filed before the expiration of [ thirty (30) ] 30 days from the date [ of ] the judgment is entered by the district justice. This will give the defendant an opportunity to obtain a supersedeas within the appeal period. The request must be filed within five [ (5) ] years of the date [ of ] the judgment is entered by the district justice. No provision has been made for revival of [ the ] a judgment in district justice proceedings.

Subdivision C provides for entering the judgment, for the purpose of requesting an order of execution, in an office of a district justice other than that in which the judgment was rendered [ , but imposes certain limitations upon the use of this procedure. The first instance in which this can be done, set forth in C(1), will provide a procedure for use in the case of abolished, consolidated or changed magisterial districts. The second instance, set forth in C(2), provides for a transfer of the judgment ] when levy is to

be made outside the county in which the judgment was rendered. Compare Pa. R.C.P. No. 3002.

As to Subdivision D, [ see the Judicial Code, § 1516, 42 Pa.C.S. § 1516. ] see Section 1516 of the Judicial Code, 42 Pa.C.S. § 1516. The [ thirty ] 30 day limitation in the rule appears to be required by this Section. Certification by the district justice should not be done before the expiration of [ thirty (30) ] 30 days after the date of entry of the judgment. The only method available to renew a judgment would be to record the judgment in the Prothonotary's office prior to the expiration of the five-year period and then follow the applicable Rules of Civil Procedure for the [ Revival of a Judgment, Rule 1521 and 3025 et seq. ] revival of judgments. See Pa.R.C.P. No. 3025 et seq. Also, [ Subdivision ] subdivision D makes clear that when the judgment is entered in the court of common pleas, all further process shall come from the court of common pleas and that no further process shall be issued by the district justice except that the district justice may enter proof of satisfaction of a judgment that had been entered in the court of common pleas and subsequently satisfied. This exception is necessary so that procedures exist for entering satisfaction of all judgments with the magisterial district court, regardless of whether the judgment has been certified to and satisfied at the court of common pleas.

Amended Jan. 29, 1976, effective in 30 days; amended effective March 24, 1977; amended April 25, 1979, effective in 30 days; June 30, 1982, effective 30 days after July 17, 1982; March 27, 1992, effective June 25, 1992; amended December 15, 2000, effective January 1, 2001; amended \_\_\_\_\_, effective \_\_\_\_\_.

**CHAPTER 500. ACTIONS FOR THE RECOVERY OF POSSESSION OF REAL PROPERTY**

**Rule 514. Judgment.**

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**Official Note:**

\* \* \* \* \*

**For procedure for entry of satisfaction of money judgments, see Rule 341.**

Amended April 25, 1979, effective in 30 days; June 30, 1982, effective 30 days after July 17, 1982; amended effective Dec. 1, 1983; amended March 27, 1992, effective June 25, 1992 [ The March 27, 1992, Order provided in part: "In promulgating this Order, the Court recognizes that the District Justice Automation Project will be affected by said Rule changes and that, therefore, those Rules which affect the Project will become effective as the District Justice offices are brought on-line." ]; March 28, 1996, effective March 29, 1996;

**Note revised \_\_\_\_\_, effective \_\_\_\_\_; Note revised \_\_\_\_\_, effective \_\_\_\_\_.**

**Rule 518. Satisfaction of Order by Payment of Rent and Costs.**

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**Official Note:**

[ Rent in arrears shall include only those sums ] "Rent actually in arrears" means the sum set forth on the order for possession.

**For procedure for entry of satisfaction of money judgments, see Rule 341.**

Amended June 30, 1982, effective 30 days after July 17, 1982; March 27, 1992, effective June 25, 1992 [ **The March 27, 1992, Order provided in part: "In promulgating this Order, the Court recognizes that the District Justice Automation Project will be affected by said Rule changes and that, therefore, those Rules which affect the Project will become effective as the District Justice offices are brought on-line."** ]; Note revised \_\_\_\_\_, effective \_\_\_\_\_.

**CHAPTER 1000. APPEALS**

**APPELLATE PROCEEDINGS WITH RESPECT TO JUDGMENTS AND OTHER DECISIONS OF DISTRICT JUSTICES IN CIVIL MATTERS**

**Rule 1001. Definitions.**

As used in this chapter:

\* \* \* \* \*

(6) *Claimant*—Includes a defendant with respect to a defendant's cross-complaint or supplementary action filed pursuant to Rule 342 in the action before the district justice.

(7) *Defendant*—Includes a plaintiff with respect to the defendant's cross-complaint or supplementary action filed pursuant to Rule 342 in the action before the district justice.

\* \* \* \* \*

Adopted June 1, 1971. Amended April 25, 1979, effective in 30 days; June 30, 1982, effective 30 days after July 17, 1982; amended effective Dec. 1, 1983; amended \_\_\_\_\_, effective \_\_\_\_\_.

**Rule 1007. Procedure on Appeal.**

\* \* \* \* \*

**B. [ The ] Except as otherwise provided in subdivision C, the action upon appeal [ shall ] may not be limited with respect to amount in controversy, joinder of causes of action or parties, counter-claims, added or changed averments or otherwise because of the particulars of the action before the district justice.**

**C. When an appeal is taken from a supplementary action filed pursuant to Rule 342, only those issues arising from the Rule 342 action are to be considered.**

**Official Note:** As under earlier law, the proceeding on appeal is conducted de novo, but the former rule that the proceeding would be limited both as to jurisdiction and subject matter to the action before the district justice [ (see *Crowell Office Equipment v. Krug*, 213 Pa.Super. 261, 247 A.2d 657, (1968) ] (see *Crowell Office Equipment v. Krug*, 213 Pa. Super. 261, 247 A.2d 657 (1968)) has not been retained. Under subdivision B, the court of common pleas on appeal can exercise its full jurisdiction and all parties will be free to treat the case as though it had never been before the district justice, subject of course to the Rules of Civil Procedure. **The only limitation on this is contained in subdivision C, which makes clear that an appeal from a supplementary action filed pursuant to Rule 342 is not intended to reopen other issues from the underlying action that were not properly preserved for appeal.**

Adopted June 1, 1971. Amended June 30, 1982, effective 30 days after July 17, 1982; amended \_\_\_\_\_, effective \_\_\_\_\_.

**REVISED REPORT**

*Proposed Renumbering of Pa. R.C.P.D.J. No. 325, Proposed New Pa. R.C.P.D.J. Nos. 211, 341, and 342, and Proposed Amendments to or Revisions to the Notes of Pa. R.C.P.D.J. Nos. 306, 315, 324, 402, 514, 518, 1001, and 1007*

**ENTRY OF SATISFACTION OF MONEY JUDGMENTS**

*I. Background*

The Committee undertook a review of the issue of the entry of satisfaction of money judgments in response to a request from the Administrative Office of Pennsylvania Courts (AOPC). AOPC advised the Committee that on several occasions, individuals against whom money judgments have been rendered reported that the judgments have appeared on their credit reports as outstanding when in fact the judgments were satisfied (paid in full). AOPC requested that the Committee review the need for some procedural mechanism for judgment debtors to request entry of satisfaction and for judgment creditors to enter satisfaction of judgments rendered by district justices. Currently, there is no such formal mechanism. This issue has come to the forefront because of the increased use by credit reporting agencies of data contained in the District Justice Automated System (DJS) to check for district justice judgments rendered against applicants for credit. Prior to automation, this was not a significant issue because there was no efficient way for credit reporting agencies to check for district justice judgments in the numerous district justice courts throughout the Commonwealth. The Committee learned, however, that since the 550-plus district justice courts have been fully automated via the DJS, several credit reporting agencies routinely request reports from AOPC to identify civil judgments that may have been entered against applicants for credit. The information requested by the credit reporting agencies is public record, and is provided in accordance with the AOPC's Access to District Justice Records Policy, 204 Pa. Code § 213.1 et seq.

The Committee was concerned that the information provided to credit reporting agencies may not be complete because satisfaction of judgment information is not entered in district justice civil cases. The Committee, therefore, wished to establish simplified procedures by which a judgment debtor may request an entry of satisfaction and a judgment creditor may enter a satisfaction in district justice court.

In conjunction with proposed new rules and amendments to, or revisions to the Notes of, existing rules regarding entry of satisfaction, the Committee also recognized the need to renumber Rule 325, and for several technical or "housekeeping" amendments to Rules 306, 315, 324, 402, and 1007.

In response to comments received after the proposal's first publication, the Minor Court Rules Committee made revisions to the original proposal. Because of the nature and extent of the revisions, the Committee deemed it necessary and appropriate to republish the proposal for additional comments. The original proposal and Report were published at 31 Pa.B. 1319 (March 10, 2001).

*II. Discussion of Rule Changes*

*A. Request for and Entry of Satisfaction—New Rules*

The Committee considered a number of options for incorporating into the rules a procedure for entry of

satisfaction of money judgments. The Committee decided that, no matter the approach, any new rules or amendments must be based on and consistent with Section 8104 of the Judicial Code, 42 Pa.C.S. § 8104, relating to duty of judgment creditor to enter satisfaction. It was suggested that one approach for dealing with satisfaction of judgments would be to simply notify the judgment creditor, via the Notice of Judgment form required by Rule 324 (Notice of Judgment, Dismissal or Continuance, and the Right to Appeal), that the judgment creditor has a duty to notify the court of satisfaction and that failure to do so could result in an action for damages under Section 8104. This approach would not necessarily have required a rule change, but only a request to AOPC to amend the Notice of Judgment form. The Committee, however, opted for a more formal and comprehensive rules-based approach.

There was also discussion about incorporating entry of satisfaction into an amendment to Rule 324 by requiring that the notice of judgment contain a notice that it is the obligation of the judgment creditor to timely notify the district court that a judgment has been satisfied.

Ultimately, however, the Committee decided that, in accordance with Section 8104, the burden should be on the judgment debtor to request an entry of satisfaction. Further, given the need for an entirely new procedure, the Committee decided that it was most appropriate to incorporate entry of satisfaction into the rules via entirely new rules dealing exclusively with this issue.

It was at first suggested that the Committee position the new rules immediately following the rules relating to civil judgments, perhaps as a new rule 326. Upon closer review of the existing rules, however, it seemed more appropriate to create an entirely new subset within the 300 series entitled "SATISFACTION OF MONEY JUDGMENTS." Also, in the course of this discussion, the Committee decided to renumber and move the existing Rule 325 because the subject matter of that rule more appropriately belongs in the 200 Series. (The renumbering of Rule 325 is addressed later in this Report.)

#### 1. *New Rule 341*

The Committee is proposing an entirely new Rule 341, entitled "Request for Entry of Satisfaction; Service; Entry of Satisfaction." Subdivision A of the new rule would provide a mechanism for a judgment debtor, or anyone with an interest in the judgment, to request an entry of satisfaction by filing a written request with the district justice who rendered the judgment.

Subdivision B of the new rule would address service of the request for entry of satisfaction. Unless the judgment creditor is the requesting party, the request would need to be served upon the judgment creditor in accordance with the existing rules regarding service of an original complaint. The proposed Note would make reference to Rules 307, 308, 309, 310, 311, 312 and 313.

Subdivision C of the new rule would provide that a judgment creditor would have 90 days from the date of service of the request for entry of satisfaction to enter satisfaction with the district justice who rendered the judgment, which satisfaction would forever discharge the judgment. It is the Committee's intention that, once satisfaction is entered, the satisfaction would appear in the DJS data as the final disposition of the case so that it is clear to inquiring credit agencies that the judgment has been paid. The proposed Note would also make clear that once the satisfaction is entered, the judgment debtor may file a true copy of the entry of satisfaction in any other district justice court in which the judgment may have

been entered pursuant to Rule 402. It is not the Committee's intention that the judgment creditor be required to enter the satisfaction in any court other than the district court in which judgment was rendered.

The Committee incorporates a number of clarifying statements in the proposed Note to the new rule. First, the Committee makes clear that if there are to be costs for the entry of satisfaction, the party requesting the entry of satisfaction would be responsible for payment of the costs. This is required by 42 Pa.C.S. § 8104(a). See *Beechwood v. Shieldmakers Enters.*, 6 Pa. D. & C.4<sup>th</sup> 508 (1990). Also, the Note makes clear that the procedures set forth in the new rule also apply to satisfaction of money judgments rendered in actions for the recovery of possession of real property (landlord/tenant actions). Finally, the Note states that a party may contend that satisfaction should not have been entered in a matter by filing a petition to strike entry of satisfaction with the court of common pleas. Although all other procedures relating to satisfaction are handled at the DJ level under these proposed rules, the Committee felt that petitions to strike an entry of satisfaction would be more appropriately handled at the common pleas level since the decision to strike an entry of satisfaction is an exercise of the court's general equitable powers.

#### 2. *New Rule 342*

The Committee is proposing an entirely new Rule 342, entitled "Failure of Judgment Creditor to Enter Satisfaction; Supplementary Action." Subdivision A of this new rule would provide a procedural mechanism for a judgment debtor to commence a supplementary action for liquidated damages under 42 Pa.C.S. § 8104(b) if the judgment creditor does not enter satisfaction as required by Rule 341. The supplementary action is to be filed in the office of the district justice in which the request for entry of satisfaction was filed. Further, the proposed Note makes clear that the action is to be indexed to the district justice's miscellaneous docket and a separate docket transcript is to be prepared for it. However, it is the Committee's intention that the supplementary action should be linked to the underlying action in the District Justice Automated System (DJS). Because the "Rule 342 action" is supplementary to the underlying judgment, there is no filing fee, however there may be costs for service of the action.

Subdivision B provides that the supplementary action is to proceed in accordance with the 300 Series rules as if a regular civil action. The Committee had considered an abbreviated hearing process similar to that provided for in Rules 420 and 421 when a party wishes to file an ancillary property claim in a case in which execution is underway. The Committee decided, however, that full due process (including notice, service and hearing requirements) should be afforded since the supplementary "Rule 342 action" could result in a judgment for liquidated damages being entered against the judgment creditor. After hearing in a "Rule 342 action" the district justice may determine if the judgment debtor is entitled to liquidated damages for the judgment creditor's failure to enter satisfaction, and may direct that satisfaction be entered in the underlying judgment. Subdivision B does include one exception to the general rule that the Rule 342 action proceed as a regular civil action: no claims under Rule 315 (cross-complaints) will be permitted. While it was not the intent of the Committee in drafting this rule to limit defenses that may be raised in a supplementary action, the Committee did believe that only those issues arising from the Rule 342 supplement-

tary action are to be considered at the hearing. Therefore, subdivision B(2) makes clear that no cross-complaints are permitted to be filed.

Either party may appeal from a district justice's judgment in a "Rule 342 action" in accordance with the regular appellate rules (that are discussed in greater detail below).

#### B. *Correlative Rule Changes*

##### 1. *Correlative Revision to the Note to Rule 306*

The Committee proposes a revision to the Note to Rule 306 to make clear that the phrase "[c]omplaints filed in the case by a defendant" means cross-complaints filed pursuant to Rule 315 and that these complaints are to be indexed to the same docket number as the plaintiff's underlying complaint. The Note clarifies the difference in the case of supplementary actions filed pursuant to the new Rule 342, that being the Rule 342 actions are to be docketed to the district justice's miscellaneous docket with a separate docket number and transcript.

Also, the Committee recommends an unrelated "house-keeping" revision to the Note to make reference to the *District Justice Automated Office Clerical Procedures Manual* as the main source of uniform filing, record keeping and other district court office procedures.

##### 2. *Correlative Amendment to Rule 315*

The Committee proposes a revision to the Note to Rule 315 to make clear that no cross-complaint may be filed in a supplementary action filed under Rule 342. See discussion *supra* Part II.A.2.

##### 3. *Correlative Amendment to Rule 324*

In addition to the new Rules 341 and 342, the Committee also proposes an amendment to Rule 324 to require that the Notice of Judgment form contain a statement advising that, upon satisfaction of a judgment, the judgment debtor may file a request for entry of satisfaction. The Committee recognized the need for this additional statement in the notice because most defendants in civil actions appear *pro se* and, absent a clear notice, may not know that they can request an entry of satisfaction that could effect the status of their personal credit history.

The Committee further proposes an amendment to the rule (not directly related to satisfaction of judgments) to require that the Notice of Judgment form contain a statement advising that if the judgment holder elects to enter the judgment in the court of common pleas, all further process must come from the court of common pleas and no further process may be issued by the district justice. The Note to Rule 402 was revised effective January 1, 2001 to clarify this restriction, and the Committee concluded that it should also be clearly stated in the notice of judgment so that a judgment holder can make an informed decision about entering a judgment in the court of common pleas. This is important because there are advantages and disadvantages to entering a judgment in the court of common pleas. Many judgment holders opt to enter the judgment in the court of common pleas because, once entered, it can act as a lien against real property. However, judgment holders must be aware that execution of the judgment at the common pleas level can be much more costly and complicated than at the district justice level. By making this restriction clear in the notice of judgment, a judgment holder can consider all factors before deciding to enter a judgment in the court of common pleas.

Also, the Committee proposes a minor amendment to further clarify that the district justice must give or mail

written notice of judgment to the parties or the parties' attorneys of record. Finally, the Committee proposes the addition of a Note to Rule 324 to make cross-references to Rules 402(D) and the new Rule 341.

##### 4. *Correlative Amendment to Rule 402*

As stated above, the Note to Rule 402 was revised effective January 1, 2001 to clarify that if the judgment holder elects to enter the judgment in the court of common pleas, all further process must come from the court of common pleas and no further process may be issued by the district justice. Upon further consideration, and in light of the important considerations relating to satisfaction of judgments, the Committee concluded that this restriction should be more prominently pronounced in the rule. Accordingly, the Committee recommends an amendment to Rule 402 to state clearly the restriction on further process from the district justice court after a judgment has been entered in the court of common pleas. The Committee did, however, want to provide a means for a district justice make an entry of satisfaction on the district justice docket if a judgment has been entered in the court of common pleas and then satisfied in the court of common pleas. This is necessary to prevent district justice judgments that are entered in the court of common pleas and then satisfied from remaining open on the district justice's docket and appearing on that docket as if they have not been satisfied. To accomplish this, the Committee recommends dividing Rule 402(D) into five numbered subparagraphs to fully outline the procedures for entering a judgment in the court of common pleas, with a new subparagraph (5) to read "if the judgment has been entered in the court of common pleas and satisfaction of the judgment is entered in the court of common pleas, the district justice may enter the satisfaction on the docket of the district justice proceedings upon filing by any party in interest of proof of the entry of satisfaction."

##### 5. *Correlative Revisions to the Notes to Rules 514 and 518*

Because the procedures for the entry of satisfaction set forth in the new Rules 341 and 342 also apply to the satisfaction of money judgments rendered in actions for the recovery of possession of real property (landlord/tenant actions), the Committee proposes revisions to the Notes of Rules 514 (relating to judgment in landlord/tenant actions) and 518 (relating to satisfaction of order for possession by payment of rent and costs) to cross reference new Rule 341. The Committee also included a clarification to the Note to Rule 518 that "rent actually in arrears" means the sum set forth on the order for possession.

##### 6. *Correlative Amendments to Rules 1001 and 1007*

The Committee recognized the need for minor amendments to appellate Rules 1001 and 1007 to fully provide for appeals from judgments rendered in "Rule 342 actions." First, the Committee proposes an amendment to Rule 1001(6) to make clear that a claimant in an appeal can include a defendant with respect to a defendant's supplementary action brought pursuant to new Rule 342. Likewise, the Committee proposes an amendment to Rule 1001(7) to make clear that a defendant in an appeal can include a plaintiff with respect to a defendant's supplementary action filed pursuant to Rule 342.

The Committee further proposes that Rule 1007 be amended by the addition of a subdivision C to restrict appeals from "Rule 342 actions" to issues that arise from the Rule 342 action. This is intended to make clear that

an appeal from a supplementary action filed pursuant to Rule 342 is not intended to reopen other issues from the underlying action that were not properly preserved for appeal.

### C. *Technical and "Housekeeping" Amendments*

In conjunction with the substantive changes discussed above, the Committee is proposing that Rule 325 be renumbered and moved. The Committee also proposes a new Rule 211 to deal with subsequent filings in abolished, consolidated, or changed magisterial districts. Finally, the Committee identified a number of technical and "housekeeping" amendments needed in Rules 324 and 402.

#### 1. *Renumbering and Moving Rule 325*

In contemplating the new rules relating the entry of satisfaction, the Committee reviewed the entire 300 Series, particularly Rules 322, 323 and 324, all relating to judgments. Upon review of Rule 325, relating to practices prohibited, the Committee determined that the content of the rule relates not only to civil actions, but to actions for the recovery of possession of real property (landlord/tenant actions) as well. Accordingly, the Committee determined that Rule 325 should be moved out of the 300 Series (relating to Civil Action), and into the 200 series (relating to Rules of Construction; General Provisions), and further, that it be renumbered as new Rule 210.

#### 2. *New Rule 211*

In further contemplating the new rules, the Committee recognized that it needed to make provision for the filing of a request for entry of satisfaction when the office of the district justice who rendered the judgment has been abolished, consolidated or otherwise changed by reestablishment (redistricting) of magisterial districts. This situation is currently provided for in Rule 402 as it relates to requesting an order of execution. The Committee determined that this situation could arise in a number of circumstances and decided to propose a general rule in the 200 Series to deal with the situation. Accordingly, the Committee proposes a new Rule 211 entitled "Abolished, Consolidated, or Changed Magisterial Districts; Subsequent Filings." This new rule is intended to cover all situations in which a party wishes to file or serve an ancillary or supplemental action, such as a request for order of execution or a request for a certified copy of a judgment (under Rule 402), an objection to levy or other property claim (under Rule 413), a request for order of possession (under Rule 515), or a request for entry of

satisfaction (under Rule 341), among others, when the action should be filed or served in the office of the district justice who rendered the judgment or issued other process, but that office has been abolished, consolidated or otherwise changed. The proposed rule provides that, under these circumstances, the action may be filed or served only with the district justice who has become the official custodian of the original record, even though that district justice did not render the judgment.

Of course, as a corollary to this proposal, the Committee proposes that Rule 402(C)(1) be deleted because it becomes unnecessary with the addition of new Rule 211.

#### 3. *Other Technical or "Housekeeping" Changes*

Also, in Rules 315, 402, and 1007, the Committee proposes minor changes to correct citation form, to address gender neutrality issues in the rules, to conform to modern drafting style, and to make other minor corrections and clarifications.

[Pa.B. Doc. No. 01-1486. Filed for public inspection August 17, 2001, 9:00 a.m.]

## DISCIPLINARY BOARD OF THE SUPREME COURT

### Notice of Disbarment

Notice is hereby given that David Christian Wise having been disbarred from the practice of law in the State of Missouri by Order dated March 9, 2001, the Supreme Court of Pennsylvania issued an Order on August 2, 2001, disbaring David Christian Wise from the practice of law in this Commonwealth. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,  
*Executive Director and Secretary  
The Disciplinary Board of the  
Supreme Court of Pennsylvania*

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