

# THE COURTS

## Title 249—PHILADELPHIA RULES

### In Re: The Abandoned and Blighted Property Conservatorship Act; General Court Regulation No. 2009-01

On November 26, 2008, the Governor signed Act 135, known as *The Abandoned and Blighted Property Conservatorship Act*, which became effective on February 24, 2009. The Act provides a mechanism to transform abandoned and blighted properties into productive reuse by authorizing the filing of a petition with the Court of Common Pleas by certain named interested parties seeking the appointment of a Conservator who will be authorized to take possession of the property, undertake its rehabilitation and, as appropriate, ultimately sell the premises unless reclaimed by the owner(s).

In light of the important rights of the various interested parties involved in such an action, the Court adopts this General Court Regulation to provide detailed procedural guidance in the filing and processing of petitions filed pursuant to Act 135, which has been codified in 68 P. S. § 1101—1111.

**1) Initiation of Action.** Actions filed pursuant to Act 135 involving abandoned and blighted properties located in Philadelphia County are “*in rem*” proceedings, and as such, shall be commenced by the electronic filing of a *Petition for the Appointment of a Conservator* (as a “Petition Action”) with the Prothonotary of Philadelphia County as provided in Philadelphia Civil Rule \*205.4 in the Court of Common Pleas, Trial Division—Civil, and the requisite filing fee shall be paid at the time of the filing of the petition. A separate action must be filed for each property that has a specific Board of Revision of Taxes (“BRT”) number. The *Petition for the Appointment of a Conservator* shall be substantially in the format attached hereto as Attachment “A.” Upon filing, if it appears that the owner of the property at issue is deceased or is a nonprofit corporation, the action shall be administratively assigned to a Judge of the Orphans’ Court Division, designated by the Administrative Judge of the Orphans’ Court Division; however all legal papers shall continue to be filed through the Civil Electronic Filing System in the Civil Trial Division.

**2) Petitioner.** The petition may be filed by an eligible “party in interest” as defined in Section 1103 of the Act.

**3) Conservator.** The petitioner must establish that the proposed Conservator is entitled to appointment pursuant to the Act. Moreover, a nonprofit corporation wishing to serve as Conservator should attach to the Petition a Certification to Serve as Conservator, certifying, *inter alia*, whether the Internal Revenue Service has granted the nonprofit corporation tax exempt nonprofit status under § 501(c)(3) of the Internal Revenue Code; that the nonprofit corporation is located in Philadelphia and has a current Philadelphia Business Privilege License; that the nonprofit corporation is eligible to receive a Certificate of Good Standing from the Department of State; that the nonprofit has participated in a project within a 1-mile radius of the property; and that the nonprofit corporation has passed a resolution authorizing the filing of the Petition for the Appointment of a Conservator and, if the nonprofit corporation is named as

the proposed Conservator, that the nonprofit corporation has passed a resolution authorizing its acceptance of a court appointment as Conservator for the specific property or properties at issue and is authorized to perform all of the duties required of a Conservator.

**4) Respondent(s).** The petitioner must name as Respondent the “owner” of the property at issue, who is defined in Section 1103 of the Act as “The holder or holders of title to, or of a legal or equitable interest in, a residential, commercial or industrial building. The term shall include an heir, assignee, trustee, beneficiary and lessee provided the ownership interest is a matter of public record.” In light of the above definition, the petitioner should undertake a substantial examination of the public record to determine all parties who may be deemed to be an owner—and not merely rely on the last recorded deed. For instance, one of the named “owners” on the deed may be deceased, and if so, the petitioner should name as “owners” decedent’s heirs (or the decedent’s estate).

**5) Lienholders.** The petitioner must identify all lienholders and other secured creditors of the owners (including judgment creditors as may be disclosed in a judgment search or title report), as well as their address, both in the body of the petition and in relevant screens of the Civil Electronic Filing System to facilitate a determination of whether they were served with the required notices of the pendency and status of proceedings as may be applicable.

**6) Identification of the Abandoned and Blighted Property.** The petitioner shall provide the street address of the property at issue with the zip code and extended zip code, if available, and shall provide the Philadelphia Board of Revision of Taxes Account Number (“BRT #”).

**7) Content of the Petition.** The petition shall be in a form substantially as attached hereto as Attachment “A,” shall comply with Section 1104(b) and must provide detail and documentation to support the allegations contained in the Petition. The Court will not accept petitions that merely allege that the statutory requirements are met without providing further substantiation. Where applicable and available, the petition should be accompanied by the following evidence, whether through affidavits, exhibits, or detailed averments within the petition itself:

a) A copy of the title report;

b) A copy of deed or other documentation, showing that neither the building or land is owned by or held in trust for the Federal Government and regulated under the United States Housing Act of 1937 (50 Stat. 888, 42 U.S.C. § 1437 et seq.) and regulations promulgated under that act;

c) Proof that the owner is not in the armed services (either from the Military web site or with letters from all five branches of the military confirming that the owner is not on active duty);

d) A copy of citations showing violations of municipal code or declaration of the building to be a public nuisance, as provided in Section 1104(b)(1);

e) A copy of citations declaring building a public nuisance, as provided in Section 1104(b)(1);

f) Preliminary Plan with initial cost estimates, as provided in Section 1104(b)(3);

g) Evidence that the building has not been legally occupied for the previous 12 months, as provided in Section 1105(d)(1);

h) Evidence that the building has not been “actively marketed” in the last 60 days, as provided in Section 1105(d)(2). As provided in Section 1103, that might include, evidence of the following:

(1) That a “For Sale” sign is not placed on the property (a photograph of the premises showing that it does not have a “For Sale” sign must be attached);

(2) For a residential property, a printout from www.realtor.com, or other proof, that it is not listed on the Multiple Listing Service. For commercial property, an Affidavit setting forth the efforts made to determine whether the commercial property has been listed with realtors in the immediate neighborhood;

(3) That there have not been weekly or more frequent advertisements in print or electronic media. The petitioner must attach an Affidavit stating which papers have searched which reveals that there is no evidence that the property has been listed for sale during the last sixty (60) days; and

(4) An Affidavit from one or more neighbors regarding their knowledge that no printed advertisements have been distributed within the last sixty (60) days.

i) Evidence that the building is not subject to an existing foreclosure action as required by Section 1105(d)(3). The Petitioner must determine the name of the owner from Philadox and then search the Court of Common Pleas docket using the name of the owner to determine whether a foreclosure action has been filed.

j) Evidence from Philadox that the owner has not acquired the building within the last 6 months as required by Section 1105(d)(4).

k) Evidence that the property meets at least three of the following requirements for conservatorship:

(1) that the City of Philadelphia has declared the building to be a public nuisance, as provided in Section 1105(d)(5)(i);

(2) that no permits for rehabilitation work have been issued in the past 12 months, and that the building is in “need of substantial rehabilitation” as established by photos or affidavits of persons with knowledge based on exterior or interior inspections, as provided in Section 1105(d)(5)(ii);

(3) documentation, photos or affidavits of persons with knowledge establishing that the building is unfit for human habitation, occupancy, or use, as provided in Section 1105(d)(5)(iii);

(4) documentation showing that the building increases the risk of fire to adjacent properties. If there have previously been fires in the property, must attach proof from the Fire Department or an affidavit from neighbors, as provided in Section 1105(d)(5)(iv);

(5) documentation showing that unauthorized entry is possible. If petitioner is claiming that the City of Philadelphia has secured the building, attach proof from the City to this effect, as provided in Section 1105(d)(5)(v);

(6) photos showing that the conditions are an attractive nuisance to children. If possible, attach an affidavit from a neighbor showing that children have been illegally entering the property as required by Section 1105(d)(5)(vi);

(7) code citations that address the presence of vermin, debris, uncut vegetation and deterioration of the structure or grounds. If no code citations, then attach photos and affidavits from neighbors, community groups, and/or others knowledgeable about the property which address conditions as required by Section 1105(d)(5)(vii);

(8) photos of the property being proposed for conservatorship, as well as photos of the neighboring properties on both sides of the block. This will allow the Court to understand the effect the blighted property has had on the economic well-being of the community as required by Section 1105(d)(5)(viii); or

(9) police reports showing that police have been called about illicit activity at property. If no police reports, then affidavits from neighbors, community groups, and/or others knowledgeable about the property can be used as required by Section 1105(d)(5)(ix).

**8) Notice of Filing of a Petition to Appoint a Conservator.** The petitioner shall attach to the Petition for the Appointment of a Conservator a *Notice of the Filing of a Petition for the Appointment of a Conservator*, substantially as attached hereto as Attachment “B.”

**9) Order to Show Cause. *Lis Pendens.*** The petitioner shall attach an *Order to Show Cause*, substantially as attached hereto as Attachment “C,” and shall file a *Lis Pendens*, substantially as attached hereto as Attachment “D,” with the City of Philadelphia Department of Records and a copy thereof with the Prothonotary.

**10) Review of the Petition. Issuance of an Order to Show Cause.** The court may deny the *Petition for the Appointment of a Conservator* without prejudice if it appears that a prima facie entitlement to the appointment is not established by, or sufficient documentation is not attached to, the Petition. The Court may issue an *Order to Show Cause* if it appears that a prima facie entitlement to the appointment of a conservator may have been established, but the issue of entitlement will not be finally determined until after the hearing required by Section 1105 is held.

**11) Posting of the Notice of the Filing of a Petition to Appoint a Conservator:** The Petitioner shall post the *Notice of the Filing of a Petition for the Appointment of a Conservator* on the premises as may be required by the Court in the Order to Show Cause.

**12) Service of the Petition to Appoint a Conservator. Notice of the filing of the Petition to Appoint a Conservator.** The petitioner shall:

a) serve a copy of the *Notice, Petition for the Appointment of a Conservator* and all exhibits on the owner(s) as required by Pa.R.C.P. No. 400.1 and shall file a return of service as soon as possible upon service;

b) mail a copy of the *Notice, Petition for the Appointment of a Conservator* and all exhibits by registered or certified mail on the City of Philadelphia as provided in Section 1103 at the following address: c/o City Solicitor, 1515 Arch Street, Philadelphia, PA (or any other address designated from time to time by the City of Philadelphia) and shall file a return of service as soon as possible upon service. At petitioner’s discretion, service may also be accomplished as provided by Pa.R.C.P. No. 400.1; and

c) mail a copy of the *Notice, Petition for the Appointment of a Conservator* and exhibits on all lienholders (including judgment creditors) and other secured creditor(s) of the owner(s), as identified in the *Peti-*

tion for the Appointment of a Conservator, by registered or certified mail, to their last known address, as provided in Section 1103 and shall file a return of service as soon as possible upon service. At petitioner's discretion, service may also be accomplished as provided by Pa.R.C.P. No. 400.1.

**13) Response Period. Petition to Intervene.** The record owners, lienholders and other secured creditors of the record owner(s), and other parties in interest may file an answer or other responsive pleading, or petition to intervene as may be provided by the Court in the *Order to Show Cause*.

**14) Hearing.** A hearing on the *Petition for the Appointment of a Conservator* will be held on a date certain within 120 days of the filing of the petition as required by Section 1105. On the hearing date, any party in interest who has filed the appropriate answer or other responsive pleading, or petition to intervene shall be permitted to present evidence to support or contest the petition. For good cause shown, the Court may permit a party in interest who has not filed the required answer or other responsive pleading, or petition to intervene to do so, and the hearing may be postponed as appropriate.

**15) Order Granting Request for Period to Abate Nuisance.** Within 30 days after the hearing, the Court may enter an order, as appropriate, providing the owner a reasonable period of time to abate and remedy the violations or nuisance which gave rise to the filing of the petition, as provided in Section 1105(f)(1).

**16) Order Appointing a Conservator.** Within 30 days after the hearing, the Court may enter an order, as appropriate, appointing a Conservator. If a Conservator is appointed, the order shall set forth in detail the powers, duties and obligations of the Conservator including requirements which must be met before the Conservator may exercise any authorized powers and duties, such as securing any necessary bond and/or insurance. The Court may also require the Conservator, and any other parties who must enter the premises to assist with the preparation of the Final Plan, to execute Right of Entry Authorizations and provide such Certificates of Additional Insurance as may be required by the Court

**17) Filing of Final Plan.** The Conservator shall file a *Final Plan for Abatement* on or before the date established in the court order appointing the Conservator. The Final Plan must fully comply with Section 1106(b), shall specifically set forth the Scope of Work to be performed, and shall set forth in detail the financing for the costs of rehabilitation and other relevant terms, including whether the Court is requested to grant a lien or security interest with priority, as provided in Section 1108(b), to facilitate the borrowing of funds to rehabilitate or demolish the property. The Conservator may not enter into any binding agreement concerning the financing until the financing is approved by the Court.

**18) Hearing and Approval of Final Plan.** Upon receipt of the *Final Plan for Abatement*, the court shall issue a scheduling order which will provide whether the Conservator must serve on the owner of the Property and/or lienholders and/or other secured creditors of the owner the scheduling order and Final Plan, or only a Notice of the filing of the Final Plan and the scheduling of a hearing thereon, and that comments to the Final Plan must be filed before the hearing date, or presented on the day of the hearing. After the hearing, the Court must approve the Final Plan or require that it be amended, and if the Court orders the Plan to be

amended, the Court shall schedule a subsequent hearing for approval of the Final Plan. Once the Final Plan is approved, no changes may be made unless authorized by the Court after the filing of a petition.

**19) Status Reports.** From time to time, the Court may request status reports from the Conservator.

**20) Filing of an Account.** Upon conclusion of the rehabilitation or demolition, the Conservator shall file a full Account of all funds expended by the Conservator. The Account shall include a summary of actions taken by the Conservator, and a detailed report verifying that each of the items in the Scope of Work approved by the Court was in fact completed, and if not completed, the Conservator must provide sufficient justification for not completing any of the items.

**21) Sale of Property at Issue. Distribution of Proceeds.** The Conservator may, upon petition, seek the sale of the property at public or private sale as provided in Section 1109. The reasons for seeking the sale of the Property must be set forth in detail, together with the proposed terms of the sale and estimated proceeds and distribution. The Court will issue a scheduling order and the Conservator must serve the scheduling order and petition on the owner, lienholders and other secured creditors of the owner. After the hearing, the Court may issue an order authorizing the sale of the premises and further authorizing the Conservator or the Prothonotary to execute the deed conveying title to the purchaser. The proceeds of the sale shall be applied and distributed as set forth in Section 1109.

**22) Termination of Conservatorship.** The Court may terminate the conservatorship as required by Section 1110.

**23) Appointment of Master-Judge Pro Tem.** At any time, the Court may appoint a master-judge *pro tem* to review the pleadings filed, conduct any hearing or status hearing authorized by Act 135 and this General Court Regulation, and issue orders or recommendations as directed by the Court and as may otherwise be necessary. Court costs necessary for the payment of the master-judge *pro tem* must be deposited with the Prothonotary by the Petitioner or Conservator as may be ordered from time to time by the Court.

This General Court Regulation is issued pursuant to *The Abandoned and Blighted Property Conservatorship Act*, 68 P.S. §§ 1101—1111 and shall become effective immediately. The original General Court Regulation shall be filed with the Prothonotary in a Docket maintained for General Court Regulations issued by the President Judge of the Court of Common Pleas of Philadelphia County, shall be published in the *Pennsylvania Bulletin*, and copies shall be submitted to the Administrative Office of Pennsylvania Courts and to the Civil Procedural Rules Committee. Copies of the General Court Regulation will be submitted to American Lawyer Media, *The Legal Intelligencer*, Jenkins Memorial Law Library, and the Law Library for the First Judicial District of Pennsylvania, and posted on the web site of the First Judicial District of Pennsylvania at <http://courts.phila.gov>.

By the Court

HONORABLE PAMELA PRYOR DEMBE,  
President Judge

ATTACHMENT "A"

RESPONDENT

[ By: Attorney Bar No. Email Address Firm Name Street Address Telephone Number ]

THIS IS NOT AN ARBITRATION MATTER. AN ASSESSMENT OF DAMAGES HEARING IS NOT REQUIRED.

[ Petitioner ] : COURT OF COMMON PLEAS
Petitioner, : PHILADELPHIA COUNTY
v. : CIVIL TRIAL DIVISION
[ Owner(s) of Property at Issue ] : \_\_\_\_\_ TERM, 20 \_\_\_\_\_
Respondent(s). : No.: \_\_\_\_\_

PETITION FOR THE APPOINTMENT OF A CONSERVATOR

Petitioner, \_\_\_\_\_, by and through counsel, respectfully petitions this Court to appoint a conservator to take possession and to undertake the rehabilitation of certain property, and in support thereof avers as follows:

JURISDICTION AND VENUE

- 1. This Court has jurisdiction pursuant to the Abandoned and Blighted Property Conservatorship Act, P. L. 1672, No. 135, 68 P. S. § 1101 et seq. (2008) (the "Act").
2. The Property is located in Philadelphia County, Pennsylvania and venue is pursuant to Section 1104(a) of the Act because the Property is located in Philadelphia County, Pennsylvania.

PROPERTY

3. The Property subject to this Petition is a [ Residential/commercial/industrial ] building located at: \_\_\_\_\_, BRT No. \_\_\_\_\_ (the "Property"). A Copy of Deed is attached as Exhibit "A," the Title Report is attached as Exhibit "B," and the Legal Description is attached as Exhibit "C."

PETITIONER

4. Petitioner is [the owner] [a lienholder or other secured creditor of the owner] [a resident or business owner within 500 feet of the building] [a nonprofit corporation within the City and County of Philadelphia that has as one of its purposes to create and stimulate economic development while improving the quality of life for residents within the \_\_\_\_\_ community, where the Property is located], a party in interest, as defined by Section 1103 of the Act.

5. [Petitioner] has participated in the following projects [if proposed Conservator is a nonprofit corporation, add: within a one-mile radius of the Property]: [List in detail the qualifying projects petitioner has participated in.]

6. The Petitioner avers that the property is owned by \_\_\_\_\_ (the "Owner(s)"). The name of the record owner on the last recorded deed is:

[ If the owner is an individual, describe efforts made by the Petitioner to identify the owner of the property and to determine whether the owner is deceased and if so, efforts to locate the deceased owner's heirs. ]

[ If the owner is a corporation or other legal entity, describe efforts made by the Petitioner to determine whether the corporation, partnership, fictitious entity or other business entity, its successors and/or assigns is/are active ].

7. The Owner has not vacated the Property to perform military service in time of war or armed conflict or in order to assist with relief efforts during a declared federal or state emergency as a member of the United States Armed Forces or reserve.

8. The Property is not held in trust for the federal government and regulated under the United States Housing Act of 1937, 50 Stat. 888, 42 U.S.C. § 1437 et. seq.

LIENHOLDERS AND OTHER SECURED CREDITORS

9. Petitioner has identified the following lienholders and other secured creditors with a potential interest in the Property through an examination of the title report for the Property and any additional search or sources necessary to identify the lienholders and other secured creditors, their addresses, as well as the identities and addresses of any successors and/or assigns:

[ List the name and address of all lienholders and other secured creditors or attach as exhibit ].

See Title Report, Ex. "B," [ include and attach other search or sources used to identify the lienholders and secured creditors ]:

CONDITIONS FOR CONSERVATORSHIP

10. The Property has not been legally occupied for at least twelve (12) months before the date of the filing of this Petition. [ Add any relevant description. ]

11. The Property has not been actively marketed during the sixty (60) days before the date of the filing of this Petition. [ Describe efforts and attach relevant documents ]

12. No "For Sale" sign has been placed on or in front of the Property during the sixty (60) days before the date of the filing of this Petition. [ Describe efforts and attach relevant documents ]

13. The Property has not been advertised as for sale through distributed print advertisements, print or electronic media, or through engagement of a real estate professional [ for residential property add: to place the Property in a Multiple Listing Service or ] to otherwise market the Property. [ Add any relevant description. ]

14. According to inspection of public records, the Property appears not to be subject to an existing foreclosure action.

15. According to inspection of public records, [ **Owner** ] has not acquired the Property within the preceding six (6) months prior to the date of the filing of this Petition.

**[ MUST INCLUDE AT LEAST 3 OF THE FOLLOWING PARAGRAPHS (Nos. 16 - 24): ]**

16. The Property has been declared to be a public nuisance by \_\_\_\_\_. **[ Indicate whether the property has been declared to be a public nuisance by a City of Philadelphia entity such as the Department of Licenses & Inspections or Fire Department, or by a court and attach relevant documentation. ]** The Owner of the Property has been cited with being in violation of **[ municipal-fire-building code ]**. **[ Add any relevant description. ]** A copy of the citation[s] is/are attached as Exhibit \_\_\_\_\_.

17. The Property is in need of substantial rehabilitation and no rehabilitation has taken place during the previous twelve (12) months prior to the date of the filing of this Petition. Photographs of the Property are attached as Exhibit \_\_\_\_\_. **[ Add any relevant description and attach any relevant documents. Please note that Electronic Filing rules require all legal papers (including exhibits) to be filed in a pdf format. ]**

18. The Property is unfit for human habitation, occupancy or use because . . . **[ Add any relevant description and attach any relevant documents. ]**

19. The conditions and vacancy of the Property materially increase the risk of fire to the Property and adjacent properties because . . . **[ Add any relevant description and attach any relevant documents. ]**

20. The Property is subject to unauthorized entry leading to potential health and safety hazards and the Owner has failed to take reasonable and necessary measures to secure the Property. **[ OR ]** The Property is subject to unauthorized entry leading to potential health and safety hazards and the **[ Municipality ]** has secured the Property to prevent such hazards after the Owner failed to do so. **[ Add any relevant description and attach any relevant documents. ]**

21. The Property is an attractive nuisance to children, including, but not limited to, the presence of [abandoned wells, shafts, basements, excavations, and unsafe structures]. **[ Add any relevant description and attach any relevant documents. ]**

22. The presence of vermin and the accumulation of debris, uncut vegetation or physical deterioration of the structure and grounds have created potential health and safety hazards, and the Owner has failed to take reasonable and necessary measures to remove the hazards. **[ Add any relevant description and attach any relevant documents. ]**

23. The dilapidated appearance and condition of the Property negatively affects the economic well-being of residents and businesses in close proximity to the Property, including decreases in property value and loss of business, and the Owner has failed to take reasonable and necessary measures to remedy the appearance and condition. Specifically, **[ Add any relevant description and attach any relevant documents. ]**

24. The Property is an attractive nuisance for illicit purposes, including [prostitution, drug use and vagrancy]. **[ Add any relevant description and attach any relevant documents. ]**

**PROPOSED CONSERVATOR**

25. Petitioner recommends that \_\_\_\_\_ **[ Name of proposed conservator ]** be appointed Conservator. The proposed Conservator has the financial resources and experience to properly rehabilitate the Property. **[ Explain and provide detail concerning the proposed Conservator's financial resources and experience. ]** **[ If a non-profit Corporation is the proposed Conservator, attach a Certification to Serve as Conservator and required documentation as set forth in General Court Regulation No. 2009-01. ]**

26. Petitioner's Preliminary Plan with initial cost estimates for rehabilitation of the Property to bring it into compliance with all municipal codes and duly adopted plans for the area in which the Property is located and anticipated funding sources are attached as Exhibit \_\_\_\_\_. **[ Briefly describe the preliminary plan. ]**

**LIS PENDENS**

27. Petitioner will serve or provide notice of the filing of this Petition as provided in General Court Regulation No. 2009-01 and as otherwise ordered by the Court.

28. As required by 68 P. S. § 1104 (c), Petitioner shall file a *Lis Pendens*, substantially in the form attached hereto as Exhibit \_\_\_\_\_, with the City of Philadelphia Department of Records and shall thereafter file a file-stamped copy with the Prothonotary.

WHEREFORE, Petitioner prays for the following relief:

1. Issue an Order to Show Cause, *inter alia*, as to why a Conservator should not be appointed to abate the public nuisance and rehabilitate [or demolish], as alleged and ultimately proven, at the Property located at \_\_\_\_\_;
2. Appoint a Conservator as authorized by the Abandoned and Blighted Property Conservatorship Act; and
3. Grant such other and additional relief as may be just and appropriate.

Dated: \_\_\_\_\_ Respectfully submitted

**VERIFICATION OF PETITIONER**

I, \_\_\_\_\_, hereby state:

1. I am **[ Title ]** for **[ Petitioner ]**, Petitioner in this action;
2. I verify that the statements contained in the foregoing Petition to Appoint a Conservator are true and correct to the best of my knowledge, information, and belief; and
3. I understand that the statements in the Petition to Appoint a Conservator are subject to the penalties of 18 Pa.C.S.A. § 4904 relating to unsworn falsification to authorities.

\_\_\_\_\_  
**[ Title ]**  
**[ Petitioner ]**

Dated: \_\_\_\_\_, 20 \_\_\_\_\_

**CERTIFICATION TO SERVE AS CONSERVATOR**

The undersigned, being the \_\_\_\_\_ of the Board of \_\_\_\_\_ (“the Corporation”), a Pennsylvania non-profit corporation:

- 1. Certifies that the matters herein certified will be relied upon by the Court of Common Pleas of Philadelphia County, in considering the Corporation’s petition to be appointed Conservator under 68 P. S. § 1101-11.
- 2. Certifies that on \_\_\_\_\_ the Internal Revenue Service granted the Corporation tax-exempt nonprofit status under § 501(c)(3) of the Internal Revenue Code.
- 3. Certifies that the Corporation’s Philadelphia Business Privilege License is: \_\_\_\_\_ .
- 4. Certifies that the Corporation is eligible to receive a Certificate of Good Standing from the Pennsylvania Department of State.
- 5. Understands the Conservator’s requirements to report to the Court and agrees to comply with these requirements.
- 6. Is familiar with all currently effective agreements to which the Corporation is party or by which it is bound (“Existing Agreements”).
- 7. Knows of no provision in any Existing Agreements, or in the Corporation’s Articles of Incorporation or By-laws, which would be contravened by any actions or undertakings of the Corporation required if the Court appoints the Corporation as Conservator.
- 8. Knows of no suit, action or proceedings of any kind including proposed changes in zoning either pending or threatened against or affecting the Corporation or which brings into question the validity of the transactions contemplated by the preliminary plan for the Conservatorship, required by 68 P. S. § 1104(b)(3).
- 9. Has reviewed the minutes and Bylaws of the Corporation.
- 10. Certifies that the Corporation has passed a resolution authorizing its acceptance of a Court appointment of Conservator and is authorized to perform all of the duties required of a Conservator. (See “Exhibit A” attached.)

ATTEST: [Corporation]  
By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Executed: \_\_\_\_\_

**EXHIBIT A  
RESOLUTION  
ATTACHMENT “B”**

**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA**

[ Petitioner ] :  
: COURT OF COMMON PLEAS  
Petitioner, :  
: PHILADELPHIA COUNTY  
:  
v. : CIVIL TRIAL DIVISION  
:

[ Owner(s) of : \_\_\_\_\_ TERM, 20 \_\_\_\_\_  
Property at Issue ]

Respondent(s). : No.: \_\_\_\_\_

**NOTICE OF FILING OF A  
PETITION FOR THE APPOINTMENT OF A  
CONSERVATOR**

A petition has been filed under the Abandoned and Blighted Property Conservatorship Act, 68 P. S. §§ 1101-1111 (2008), for appointment of a Conservator to take possession of and rehabilitate or demolish the property located at:  
\_\_\_\_\_, BRT No. \_\_\_\_\_ .

A hearing on the Petition for the Appointment of a Conservator will be scheduled by the Court. As required by General Court Regulation No. 2009-01, the Petitioner shall serve or mail a copy of this Notice, the *Petition for the Appointment of a Conservator* together with all exhibits, and a copy of the court order scheduling a hearing. A copy of this Notice (without the *Petition for the Appointment of a Conservator*, exhibits or court order) will also be posted at the property.

**YOU ARE RECEIVING THIS NOTICE BECAUSE PUBLIC RECORDS REVEAL THAT YOU MAY BE ONE OF THE FOLLOWING:**

**Owner of Property at issue.** If you are the record owner or an owner claiming a right to title to the premises and want to be heard in this matter, you must file an answer as required by the Court order referenced above. **If you do not file an answer, the court may proceed without you and you may lose your rights to the property.** A conservator may be appointed to take possession of the property, incur expenses that will be a lien against the property, and sell the property. You will still be responsible for your obligations as the owner, including expenses incurred by the conservator.

**Lienholder/Secured Creditors.** If you are a lienholder or other secured creditor and want to be heard in this matter, you must file a petition to intervene as required by the Court order referenced above and may seek to be appointed as Conservator. **If you do not file an answer, the court may proceed without you and you may lose your rights to the property.** A conservator may be appointed to take possession of the property, incur expenses that will be a lien against the property, and sell the property. The conservator lien may have priority over your lien or other rights.

**The City of Philadelphia.** As the political subdivision in which the property is located, the City of Philadelphia may file a petition to intervene as required by the Court order referenced above and may seek to be appointed as the conservator.

*You should take this paper to your lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the office below to find out where you can get legal help.*

*Lleve esta demanda a un abogado inmediatamente. Si no tiene abogado o si no tiene el dinero suficiente de pagar tal servicio, vaya en persona o llame por telefono a la oficina cuya direccion se encuentra escrita abajo para averiguar donde se puede conseguir asistencia legal.*

**Philadelphia Bar Association  
Lawyer Referral and Information Service  
1101 Market Street,  
11th Floor  
Philadelphia,  
Pennsylvania 19107  
(215) 238-6333  
TTY (215) 451-6197**

**Asociacion de Licenciados de Filadelfia  
Servicio de Referencia e Informacion Legal  
1101 Market Street,  
11th Floor  
Filadelfia, Pennsylvania 19107  
(215) 238-6333  
TTY (215) 451-6197**

**ATTACHMENT "C"**

**FIRST JUDICIAL DISTRICT OF PENNSYLVANIA**

**[ Petitioner ]** :  
: COURT OF COMMON PLEAS  
Petitioner, :  
: PHILADELPHIA COUNTY  
:  
v. : CIVIL TRIAL DIVISION  
:  
**[ Owner(s) of Property at Issue ]** : \_\_\_\_\_ TERM, 20 \_\_\_\_  
:  
Respondent(s). : No.: \_\_\_\_\_

**ORDER TO SHOW CAUSE**

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_, upon consideration of the *Petition for the Appointment of a Conservator* pursuant to the Abandoned and Blighted Property Conservatorship Act, 68 P.S. § 1101 *et seq.* (P.L. 1672, No. 135), it appearing that a prima facie showing of entitlement to the relief requested concerning the property located at:

\_\_\_\_\_, BRT No. \_\_\_\_\_ may have been made, it is hereby ORDERED and DECREED that:

1. As required by General Court Regulation No. 2009-01, the Petitioner shall promptly:
  - a) Post a copy of the *Notice of Filing of a Petition for the Appointment of a Conservator* at the property;
  - b) Serve a copy of the *Notice, Petition* and all exhibits, and this Order on the owner(s) as required by Pa. R.C.P. No. 400.1 and file a return of service as soon as possible upon service;
  - c) Mail a copy of the *Notice, Petition* and all exhibits, and this Order by registered or certified mail on the City of Philadelphia at **[ include address ]** and shall file a return of service as soon as possible upon service. Service may also be accomplished as provided by Pa.R.C.P. No. 400.1;
  - d) Mail a copy of the *Notice, Petition* and exhibits, and this Order to all lienholders and other secured creditors as identified in the *Petition*, by registered or certified mail, to their last known address, and file a return of service as soon as possible upon service. Service may also be accomplished as provided by Pa. R.C.P. No. 400.1. The lienholders and other secured creditors as identified in the *Petition* are:

**[ List here the name of all lienholders and other secured creditors or as attachment ]**

1. As required by 68 P.S. § 1104 (c), the Petitioner shall file a *Lis Pendens* with the City of Philadelphia Department of Records and a copy with the Prothonotary;
2. Unless otherwise provided upon petition, the owner may file an Answer to the Petition on or before \_\_\_\_\_ [approximately 60 days];
3. Unless otherwise provided upon petition, the City of Philadelphia, lienholders, other secured creditors, and any other "party in interest" as defined in 68 P.S. § 1103 may file a Petition to Intervene pursuant to Pa.R.C.P. 2236 *et seq.* on or before \_\_\_\_\_ [approximately 60 days];
4. Answers and responses to any Petitions to Intervene must be filed on or before \_\_\_\_\_ [approximately 90 days];
5. As required by the Act, a hearing will be held on \_\_\_\_\_ [within 120 days of the filing of Petition] at \_\_\_\_\_ o'clock \_\_\_\_\_ M \_\_\_\_\_, in Courtroom \_\_\_\_\_, City Hall, to determine whether the conditions for conservatorship have been met, whether a conservator should be appointed, who should be appointed as conservator, and/or whether other appropriate relief should be granted; and

6. At any time, the Court may appoint a master-judge *pro tem* to review the pleadings filed, conduct any hearing or status hearing authorized by Act 135 and this General Court Regulation, and issue orders or recommendations as directed by the Court and as may otherwise be necessary. Court costs necessary for the payment of the master-judge *pro tem* must be deposited with the Prothonotary by the Petitioner or Conservator as may be ordered from time to time by the Court.

BY THE COURT

J.

**ATTACHMENT "D"**

**[ By: Attorney  
Bar No.  
Email Address  
Firm Name  
Street Address  
Telephone Number ]**

**[ Petitioner ]** :  
: COURT OF COMMON PLEAS  
Petitioner, : OF PHILADELPHIA COUNTY  
:  
:  
v. : CIVIL TRIAL DIVISION  
:  
: TERM: \_\_\_\_\_ 20 \_\_\_\_  
: No.: \_\_\_\_\_  
**[ Owner(s) of Property at Issue ]** :  
Respondent(s) : \_\_\_\_\_

***LIS PENDENS*****To The Recorder of Deeds:**

Kindly enter the above action as a *Lis Pendens* against the property located at:

\_\_\_\_\_, BRT No. \_\_\_\_\_ and meeting the following legal description (the "Property"):

**[ Include property description in indented paragraph or as attachment. ]**

I do hereby certify that this action involves title to real estate. It seeks appointment of a conservator to take possession and to undertake the rehabilitation [or demolition] of the Property pursuant to the Abandoned and Blighted Property Conservatorship Act, P. L. 1672, No. 135, 68 P. S. § 1101 *et seq.* (2008).

\_\_\_\_\_  
Attorney for Petitioner

[Pa.B. Doc. No. 09-1982. Filed for public inspection October 23, 2009, 9:00 a.m.]

## Title 25—LOCAL COURT RULES

### FRANKLIN AND FULTON COUNTY BRANCHES

**In Re: Amendment of Local Rule of Civil Procedure 39-212; Miscellaneous Docket; Volume 2009, Page 4345**

#### Order of Court

October 5, 2009, it is hereby ordered that Local Rule of Civil Procedure 39-212 is amended as attached, said rule will be effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

*By the Court*

DOUGLAS W. HERMAN,  
*President Judge*

#### **Rule 39-212. Pre-Trial Conference.**

**39-212.1.** A Pre-trial Conference shall be scheduled by the Court Administrator in all civil cases not subject to arbitration pursuant to Section 7361 of the Judicial Code, 42 Pa.C.S.A. Section 7361, unless otherwise dispensed with by the Court, for the general purpose of fully exploring the possibility of settlement of the case. Additional consideration shall be given to:

- (a) Simplification of the issues;
- (b) Necessity or desirability of amendments to the pleadings and request for amendments;
- (c) Admission of facts and of documents to avoid unnecessary proof;
- (d) Limitation of the number of expert and other witnesses;
- (e) Reference of issues to a Master, only with the consent of all parties, for findings to be used as evidence in a jury trial; and
- (f) Other matters which may aid in disposing of the action.

**39-212.2.** No Pre-trial Conference shall be scheduled until all Pre-trial Motions, Petitions, Answers and Objections have been disposed of, discovery is completed and the case is ready for trial.

**39-212.3.** At least five (5) days prior to the Pre-trial Conference, each party shall exchange and submit to the Court a Pre-trial Memorandum which shall include the following:

- (a) A narrative statement of the facts to be proved at trial;
- (b) A statement of the legal theory upon which the right of recovery or defense is predicated, together with a citation of authority supporting the party's position;
- (c) A statement of any legal issues likely to arise which will require a ruling by the Court with citation to authority supporting the party's position;
- (d) An itemized statement of the damages to be proved at trial, and where applicable, the amount claimed for each item of damage;
- (e) A list of stipulations to which the opposition can reasonably be expected to agree;
- (f) A list of all exhibits which are to be offered at trial, including a brief description of each, together with a statement of the purpose for which each will be offered;
- (g) A copy of written reports from any expert witness expected to testify;
- (h) A list of any hypothetical questions to be used;
- (i) A list of the names and addresses of all witnesses to be called, except in rebuttal. (Such lists shall impose no obligation to call all listed witnesses or procure their attendance at trial);
- (j) The estimated length of trial.

**(k) Certification by the attorney submitting same that mediation has been previously pursued or, if not, that the topic of mediation was discussed by the parties and rejected only after good faith consideration.**

If a party becomes aware of the necessity or desirability or using a witness or an exhibit not listed in his Pre-trial Memorandum, he shall promptly notify opposing counsel and the Pre-trial Conference Judge of the name and address of the witness or the nature of the exhibit. A party may not call a witness or use an exhibit without first having complied with this section unless permission of the Court is granted upon cause shown.

**39-212.4.** Each party appearing in the case or having an actual interest in it shall be represented at the Pre-trial Conference by counsel who will be in direct charge and responsible to the Court at trial. Such counsel must be vested with authority to bind his client by stipulation with respect to the trial or settlement of the case. All attorneys shall bring their files, together with any additional appropriate materials to the conference.

**39-212.5.** Matters resolved or determined by the Court and parties at the Pre-trial Conference shall be incorporated in an Order by the Court and made part of the record for the use of the Court and parties in subsequent proceedings. Such Orders shall control the course of the action unless modified by the Court at trial to prevent manifest injustice.

**39-212.6.** Unless excused from attendance in advance by the Court, counsel who fails to attend the Pre-trial Conference shall not be permitted to participate in the trial of the case.



If a party or his counsel fails to attend the Pre-trial Conference or fails to comply with the requirements of these Rules or any Pre-trial Order or Stipulation, the Court may, with or without Motion by any party, impose such penalty or sanction as it deems appropriate, including but not limited to the dismissal of the Complaint or Counterclaim, exclusion of a claim or defense or part thereof, exclusion of the use of certain witnesses or exhibits, removal from the trial list or imposition of counsel fees incurred as a result of noncompliance.

[Pa.B. Doc. No. 09-1983. Filed for public inspection October 23, 2009, 9:00 a.m.]

### FRANKLIN AND FULTON COUNTY BRANCHES

**In Re: Amendment of Local Rule of Civil Procedure 39-214; Miscellaneous Docket; Volume 2009, Page 4346**

#### Order of Court

October 5, 2009, it is hereby ordered that Local Rule of Civil Procedure 39-214 is amended as attached, said rule will be effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

*By the Court*

DOUGLAS W. HERMAN,  
*President Judge*

#### Rule 39-214. Preferences on Trial List.

**39-214.1.** A cause of action shall be listed for trial by filing a Praecipe in the office of the Prothonotary with a copy of the Praecipe to be sent by ordinary mail to opposing counsel of record, and to all parties not represented by counsel, which shall constitute sufficient notice of the listing of the cause. **The Praecipe shall contain a certification that mediation was pursued or, if not, was the subject of good faith consideration by counsel and all parties.**

A cause must be listed for trial at least five (5) full calendar weeks prior to the day on which trial commences.

The Prothonotary shall list the causes for trial in a docket to be provided for that purpose.

**39-214.2.** In the Franklin County Branch, the Prothonotary shall post a list of causes set down for trial and shall cause the list to be published once a week for three (3) successive weeks immediately following the closing of the trial list in the *Franklin County Legal Journal* and in newspapers of the County of general circulation, one of which shall be published in Chambersburg, one in Waynesboro, one in Greencastle, and one in Mercersburg, if such there shall be.

**39-214.3.** In the Fulton County Branch, the Prothonotary shall post a list of causes set down for trial and shall cause the list to be published once a week for three (3) successive weeks immediately following the closing of the trial list in a newspaper of the County of general circulation and published in McConnellsburg.

**39-214.4.** A list containing the names of the jurors summoned for each term of Court, with their exact place of residence and occupation, and a list of the causes for trial in the Court of Common Pleas for that term, giving the names of the parties, number and term, form of action and names of counsel, shall be prepared by the

Court Administrator and supplied by him in sufficient numbers to furnish one copy thereof to any party who requests it.

**39-214.5.** The parties to a cause at issue may, by mutual consent and with approval of the Court, add it to the trial list at any time.

Any party may apply to the Court for an Order to strike from the trial list any cause which has been irregularly placed on it.

**39-214.6.** All cases shall be ready for trial on the date set for the selection of juries in each trial term, unless otherwise ordered by the Court. If a case is called and is not ready for trial, the Court may make an appropriate Order pertaining thereto.

[Pa.B. Doc. No. 09-1984. Filed for public inspection October 23, 2009, 9:00 a.m.]

### FRANKLIN AND FULTON COUNTY BRANCHES

**In Re: Amendment of Local Rule of Civil Procedure 39-250; Miscellaneous Docket; Volume 2009, Page 4347**

#### Order of Court

October 5, 2009, it is hereby ordered that Local Rule of Civil Procedure 39-250 is amended as attached, said rule will be effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

*By the Court*

DOUGLAS W. HERMAN,  
*President Judge*

#### Rule 39-250. Statutory Appeals.

Except for those proceedings governed by statute, regulation or other rules, the Pennsylvania Rules of Civil Procedure shall apply to all statutory appeals, including tax assessment appeals and tax exemption appeals filed in the 39th Judicial District of Pennsylvania.

[Pa.B. Doc. No. 09-1985. Filed for public inspection October 23, 2009, 9:00 a.m.]

### FRANKLIN AND FULTON COUNTY BRANCHES

**In Re: Amendment of Local Rule of Civil Procedure 39-1001; Miscellaneous Docket; Volume 2009, Page 4348**

#### Order of Court

October 5, 2009, it is hereby ordered that Local Rule of Civil Procedure 39-1001 is amended as attached, said rule will be effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

*By the Court*

DOUGLAS W. HERMAN,  
*President Judge*

**Rule 39-1001. Mediation.**

a. **General Applicability.** All civil actions, with the exception of those matters arising under Pa.R.C.P. 1901 through 1940.9, filed in the Court of Common Pleas of the 39th Judicial District are eligible for mediation. Prior to filing suit and whenever practicable thereafter, parties and their counsel are encouraged to consider and to pursue mediation options.

b. **Procedure for Mediation in Non-Jury Civil Trials, Civil Jury Trials and Cases Subject to Arbitration.** Parties and their attorneys in all applicable civil cases which will result in a non-jury civil trial, civil jury trial or arbitration may mutually elect to pursue mediation at any point before a case is listed for trial or arbitration. Status conferences conducted by the court in accordance with 39th Judicial District Local Rule 212.7 shall include a discussion of the likely success of mediation and the appropriate point in the life of that case for mediation to take place.

c. **Certifications in Non-Jury Civil Trial, Civil Jury Trials and Cases Subject to Arbitration.** Any Praeceptum to list a case pursuant to 39th Judicial District Local Rule 39-214.1 for a Non-Jury Civil Trial, a Civil Jury Trial or Arbitration shall contain a certification that mediation was pursued or, if not, was the subject of good faith consideration by counsel and all parties. All pre-trial conference memoranda filed in accordance with 39th Judicial District Local Rule 212.3 shall include certification by the attorney submitting same that mediation has been previously pursued or, if not, that the topic of mediation was discussed by the parties and rejected only after good faith consideration.

d. **Mediation Programs.** Parties and their attorneys are encouraged to use mediation to resolve disputes either through the Judge assigned to the case, if offered, or through any other mediation program acceptable to the parties.

[Pa.B. Doc. No. 09-1986. Filed for public inspection October 23, 2009, 9:00 a.m.]