

**CHAPTER 2950. CONFESSION OF JUDGMENT FOR MONEY**

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**Rule 2950. Definitions.**

As used in this chapter

“action” means a proceeding to enter a judgment by confession for money pursuant to an instrument, other than an instrument executed by a natural person in connection with a consumer credit transaction, authorizing such confession.

**Official Note:** The action is abolished insofar as it would apply to a confession of judgment which is part of an instrument executed in connection with a consumer credit transaction.

“consumer credit transaction” means a credit transaction in which the party to whom credit is offered or extended is a natural person and the money, property or services which are the subject of the transaction are primarily for personal, family or household purposes.

**Source**

The provisions of this Rule 2950 adopted June 27, 1969, effective January 1, 1970; amended April 1, 1996, effective July 1, 1996, 26 Pa.B. 1806. Immediately preceding text appears at serial page (190621).

2950-1

(340387) No. 412 Mar. 09

**Rule 2951. Method of Proceeding.**

- (a) An action shall be commenced by filing with the prothonotary a complaint substantially in the form provided by Rule 2952.
- (b) If the instrument is more than twenty years old, judgment may be entered only by leave of court after notice and the filing of a complaint.
- (c) When the original or a photostatic copy or like reproduction of the instrument showing the defendant's signature is not attached to the complaint, judgment may be entered only by leave of court after notice.

**Official Note:** The procedure for notice and hearing shall be in accordance with local practice.

See sections 401(h) and 1205 of the Goods and Services Installment Sales Act, 1966, Special Sess. No. 1, October 28, P.L. 7, effective April 1, 1967, 69 P.S. 1401(h) and 2205 which may limit the venue for commencement of an action in certain cases.

**Source**

The provisions of this Rule 2951 amended December 14, 1979, effective February 1, 1980, 10 Pa.B. 31; amended April 1, 1996, effective July 1, 1996, 26 Pa.B. 1806; amended November 14, 2007, effective December 14, 2007, 37 Pa.B. 6258; amended December 29, 2008, effective immediately, 39 Pa.B. 304. Immediately preceding text appears at serial pages (331710) to (331711).

**Rule 2952. Complaint. Contents.**

- (a) The complaint shall contain the following:
- (1) the names and last known addresses of the parties;

**Official Note:** These rules change prior practice by not requiring a separate certification of address.

- (2) the original or a photostatic copy or like reproduction of the instrument showing the defendant's signature; if the original is not attached, an averment that the copy attached is a true and correct reproduction of the original; if neither the original nor a reproduction can be attached, an explanation why they are not available;

**Official Note:** If the original instrument is not attached to the complaint, a method of securing inspection thereof is provided by Discovery Rule 4009.1 et seq.

If the complaint is to be filed in a judicial district which has implemented electronic filing, an electronic copy of the instrument should be attached to the complaint. Should an issue arise concerning the instrument, any party at any time may request the production of the original instrument for inspection pursuant to Pa.R.C.P. No. 205.4(b)(5).

- (3) An averment that judgment is not being entered by confession against a natural person in connection with a consumer credit transaction;
- (4) a statement of any assignment of the instrument;
- (5) either a statement that judgment has not been entered on the instrument in any jurisdiction or if it has been entered an identification of the proceedings;

**Official Note:** Whether a prior entry of judgment has exhausted the warrant is a matter of substantive law.

(6) if the judgment may be entered only after a default or the occurrence of a condition precedent, an averment of the default or of the occurrence of the condition precedent;

(7) an itemized computation of the amount then due, based on matters outside the instrument if necessary, which may include interest and attorneys' fees authorized by the instrument;

(8) a demand for judgment as authorized by the warrant;

**Official Note:** If the instrument authorizes confession for a penal sum judgment may be entered in that amount.

(9) if the instrument is more than twenty years old, or if the original or a photostatic copy or like reproduction of the instrument showing the defendant's signature is not attached to the complaint, an application for a court order granting leave to enter judgment after notice;

**Official Note:** The procedure for notice and hearing will be in accordance with local practice.

(10) signature and verification in accordance with the rules relating to a civil action;

(b) The complaint shall neither contain a notice to defend nor be endorsed with a notice to plead, and no responsive pleading shall be required whether or not the complaint contains a notice to defend or is endorsed with a notice to plead.

**Official Note:** Added June 27, 1969. Effective January 1, 1970. Amended January 20, 1970. Effective February 15, 1970. Amended October 4, 1973. Effective December 1, 1973.

Neither Rule 1018.1 nor Rule 1361 applies to a complaint in confession of judgment.

#### Source

The provisions of this Rule 2952 amended through December 16, 1983, effective July 1, 1984, 13 Pa.B. 3999; amended April 1, 1996, effective July 1, 1996, 26 Pa.B. 1806; amended November 14, 2007, effective December 14, 2007, 37 Pa.B. 6258. Immediately preceding text appears at serial pages (213355) to (213356).

#### Rule 2953. Successive Actions.

(a) Where an instrument authorizes judgments to be confessed from time to time for separate sums as or after they become due, successive actions may be commenced and judgments entered for such sums.

(b) If an instrument authorizes entry of judgments for money and in ejectment, the entry of judgment in ejectment shall not prevent the entry of judgment for money.

**Official Note:** Added June 27, 1969. Effective January 1, 1970.

The limits within which the plaintiff may have satisfaction under one or both of these judgments is a matter of substantive law.

**Rule 2954. Judgment in Name of Holder, Assignee or Transferee.**

Judgment shall be entered only in the name of a holder, assignee or other transferee.

**Official Note:** Added June 27, 1969. Eff. Jan. 1, 1970.

**Rule 2955. Confession of Judgment.**

(a) The plaintiff shall file with the complaint a confession of judgment substantially in the form provided by Rule 2962.

(b) The attorney for the plaintiff may sign the confession as attorney for the defendant unless an Act of Assembly or the instrument provides otherwise.

**Official Note:** There are local rules in some counties requiring the filing of an affidavit of non-military service. See also the Servicemembers, Civil Relief Act, 50 U.S.C.A. Appendix § 521.

**Source**

The provisions of this Rule 2955 amended April 1, 1996, effective July 1, 1996, 26 Pa.B. 1806; amended December 29, 2008, effective immediately, 39 Pa.B. 304. Immediately preceding text appears at serial page (307565).

**Rule 2956. Entry of Judgment.**

The prothonotary shall enter judgment in conformity with the confession.

**Official Note:** As to instruments more than 20 years old see Rules 2951(b) and 2952(a)(9).

See Rule 236 for the notice required to be given and the documents required to be mailed to the defendant by the prothonotary.

**Source**

The provisions of this Rule 2956 added June 27, 1969, effective September 1, 1970, amended March 10, 1977, effective April 25, 1977, 7 Pa.B. 840; amended April 1, 1996, effective July 1, 1996, 26 Pa.B. 1806; amended December 29, 2008, effective immediately, 39 Pa.B. 304. Immediately preceding text appears at serial page (307565).

**Rule 2956.1. Execution Upon a Judgment Entered by Confession.**

(a) Except as otherwise provided by subdivisions (b) and (c), a judgment entered by confession shall be enforced as provided by Rule 3101 et seq. governing the enforcement of a judgment for the payment of money.

(b) A judgment entered by confession which arises from a retail installment sale, contract or account under the Goods and Services Installment Sales Act or

which constitutes a residential mortgage obligation under the Loan Interest and Protection Law shall be conformed as provided by Rule 2981 et seq. prior to execution.

**Official Note:** These Acts of Assembly prohibit execution upon these judgments until they have been conformed in a separate action. Once conformed pursuant to Rule 2986, these judgments may be enforced in the same manner as other judgments for the payment of money.

(c) Execution upon a judgment entered by confession which is not within the scope of subdivision (b) and to which a petition to open or strike the judgment has not been filed, shall be

(1) commenced by a praecipe as provided by Rule 2957 and

**Official Note:** The praecipe required by subparagraph (1) is in place of the praecipe prescribed by Rule 3251.

(2) conditioned upon the service of notice on the defendant in the judgment as provided by either

- (i) Rule 2958.1 at least thirty days prior to the filing of the praecipe for the writ of execution, or
- (ii) Rule 2958.2 with the notice of sale of real property, or
- (iii) Rule 2958.3 with the writ of execution.

**Official Note:** The notice may be given prior to execution under Rule 2958.1 or as part of the execution process under Rule 2958.2 or 2958.3, whichever is applicable.

Notice prior to execution under Rule 2958.1 may be given in all cases. However, the notice served with the notice of sale of real property under Rule 2958.2 is limited to execution upon real property or real property and personal property subject to Section 9501(d) of the Uniform Commercial Code. The notice served with the writ of execution under Rule 2958.3 is limited to an execution upon personal property or personal and real property.

Written notice under subdivision (c)(2) is required only in connection with execution proceedings and is in addition to the procedural requirements of Rule 3101 et seq. The notice is in addition also to the notice of the entry of the judgment given by the prothonotary under Rule 236.

#### Source

The provisions of this Rule 2956.1 adopted April 1, 1996, effective July 1, 1996, 26 Pa.B. 1806; amended September 13, 1996, effective immediately, 26 Pa.B. 4636. Immediately preceding text appears at serial pages (213357) to (213358).

#### **Rule 2957. Praecipe for Writ of Execution; Amount; Items Claimed; Certification.**

(a) Plaintiff may include the amount due, interest, attorneys' fees and costs in the praecipe for a writ of execution under Rule 2963(5).

(b) The praecipe for the writ of execution shall contain the words "Confessed Judgment" immediately below the title of the praecipe and a certification that

(1) the praecipe is based upon a confessed judgment and

- (2) the prothonotary is authorized to issue the writ of execution because
- (i) notice has been served pursuant to Rule 2958.1 as evidenced by a return of service filed of record, or
  - (ii) notice will be served pursuant to Rule 2958.2 because the property to be levied upon consists solely of real property or real property and personal property to be sold with the real property pursuant to Section 9604(a) of the Uniform Commercial Code, or
  - (iii) notice will be served pursuant to Rule 2958.3 because the property to be levied upon consists of personal property or personal property and real property, not within the scope of Rule 2958.2(a)(2), or
  - (iv) notice was served in connection with a prior execution on this judgment and no further notice is required under Rule 2958.4(b), or
  - (v) a petition to open or strike the judgment has been previously filed and notice is not required under Rule 2956.1(c).

**Official Note:** See Rule 2963 for the form of the praecipe for writ of execution upon a confessed judgment.

**Source**

The provisions of this Rule 2957 amended April 1, 1996, effective July 1, 1996, 26 Pa.B. 1806; amended October 15, 2004, effective immediately, 34 Pa.B. 5890; amended December 29, 2008, effective immediately, 39 Pa.B. 304. Immediately preceding text appears at serial pages (307566) to (307567).

**Rule 2958. [Rescinded].**

**Source**

The provisions of this Rule 2958 rescinded April 1, 1996, effective July 1, 1996, 26 Pa.B. 1806. Immediately preceding text appears at serial pages (48441) and (146745).

**Rule 2958.1. Notice Served Prior to Execution.**

- (a) A written notice substantially in the form prescribed by Rule 2964 shall be served on the defendant at least thirty days prior to the filing of the praecipe for a writ of execution.

**Official Note:** The notice provided for by this rule may be served in all executions within the scope of Rule 2956.1(c). If notice is served under this rule at least thirty days prior to the filing of the praecipe, notice need not be given under Rule 2958.2 governing execution upon real property or Rule 2958.3 governing execution upon personal or personal and real property. Conversely, if notice is served under either Rule 2958.2 or 2958.3, notice need not be given under this rule.

Rule 2957(b) governing the praecipe for the writ of execution requires a certification that notice has been given as provided by this rule.

Rule 2959(a)(3) requires a petition for relief from a confessed judgment to be filed within thirty days after service of notice pursuant to this rule.

- (b) The notice shall be served
- (1) upon a defendant in the judgment who has not entered an appearance

- (i) by the sheriff or by a competent adult who is not a party to the action in the manner prescribed by Rule 402(a) for the service of original process upon a defendant, or
  - (ii) by the plaintiff mailing a copy in the manner prescribed by Rule 403, or
  - (iii) pursuant to special order of court as prescribed by Rule 430 if service cannot be made as provided in subparagraphs (i) or (ii), or
- (2) upon a defendant in the judgment who has entered an appearance, by the plaintiff in the manner provided by Rule 440.
- (c) The person serving the notice shall file a return of service as provided by Rule 405.

**Source**

The provisions of this Rule 2958.1 adopted April 1, 1996, effective July 1, 1996, 26 Pa.B. 1806; amended May 14, 1999, effective July 1, 1999, 29 Pa.B. 2767. Immediately preceding text appears at serial pages (256981) to (256982). (*Editor's Note:* The Supreme Court of Pennsylvania has suspended its order of June 14, 1999, published at 29 Pa.B. 3191 (June 26, 1999). See 29 Pa.B. 4859 (September 18, 1999).)

**Rule 2958.2. Notice of Execution Served with Notice of Sale of Real Property.**

- (a) Written notice substantially in the form prescribed by Rule 2965 shall be served upon the defendant at least thirty days prior to the sheriff's sale if the property to be levied upon consists solely of
- (1) real property, or
  - (2) real property and personal property to be sold with the real property pursuant to Section 9604(a) of the Uniform Commercial Code.

**Official Note:** Section 9604(a) of the Uniform Commercial Code, 13 Pa.C.S. § 9604(a) relates to the rights of a secured party when the agreement covers real and personal property.

The notice required by this rule must be served only when the plaintiff has not proceeded under Rule 2958.1 requiring at least thirty days notice prior to the filing of the praecipe for writ of execution.

Rule 2957(b) governing the praecipe for the writ of execution requires a certification that notice has been given as provided by this rule.

Rule 2959(a)(3) requires a petition for relief from a confessed judgment to be filed within thirty days after service of notice pursuant to this rule.

- (b) The notice shall be served with the written notice of sale of real property and shall be governed by the provisions of Rule 3129.2(c).

**Official Note:** Rule 3129.2(c) governing notice of the sale of real property provides for the manner of service, the return of service and the timeliness of the service.

**Source**

The provisions of this Rule 2958.2 adopted April 1, 1996, effective July 1, 1996, 26 Pa.B. 1806; amended October 15, 2004, effective immediately, 34 Pa.B. 5890. Immediately preceding text appears at serial page (260388).

**Rule 2958.3. Notice of Execution Served with Writ of Execution. Request for Prompt Hearing Limited to Issue of Waiver of Due Process Rights.**

(a) Written notice in the form prescribed by Rule 2966 and a form of petition to strike the judgment and request for prompt hearing in the form prescribed by Rule 2967 shall be served upon the defendant with the writ of execution if the property to be levied upon or attached consists of

- (1) personal property or
- (2) personal property and real property, not within the scope of Rule 2958.2(a)(2).

**Official Note:** The notice required by this rule must be served only when the plaintiff has not proceeded under Rule 2958.1 requiring at least thirty days notice prior to the filing of the praecipe for writ of execution.

Rule 2957(b) governing the praecipe for the writ of execution requires a certification that notice has been given as provided by this rule.

Rule 2959(a)(3) requires a petition for relief from a confessed judgment to be filed within thirty days after service of notice pursuant to this rule.

(b) If the writ has been served and property has been levied upon or attached, the defendant may file with the sheriff a petition to strike the judgment in the form provided by Rule 2967. The petition shall be limited to the issue whether the defendant voluntarily, intelligently and knowingly waived the right to notice and hearing prior to the entry of the judgment. The defendant may include in the claim a demand for a prompt hearing. The sheriff shall immediately notify the plaintiff of the filing of the petition.

(c) The sheriff shall immediately present the matter to the court. The court shall hear the claim within three business days thereafter upon such notice to the parties as the court shall direct and shall promptly dispose of the matter on the testimony, admissions or other evidence.

(1) If the court finds that the plaintiff has shown by a preponderance of the evidence that the defendant voluntarily, intelligently and knowingly waived the right to notice and hearing prior to the entry of judgment, it shall enter an order so determining and the stay of the execution proceedings under subdivision (d) shall terminate automatically.

(2) If the court finds that the plaintiff has not made the required showing, it shall enter an order vacating the writ of execution and striking the judgment. Upon entry of the order, any property which has been seized, levied upon or attached pursuant to the writ of execution shall be returned to the defendant.

(d) Execution proceedings shall be stayed during the period from the time the defendant files the hearing request form with the sheriff to the time the court makes the determination on the request.



**Source**

The provisions of this Rule 2958.3 adopted April 1, 1996, effective July 1, 1996, 26 Pa.B. 1806; amended April 17, 1998, effective July 1, 1998, 28 Pa.B. 2026. Immediately preceding text appears at serial pages (213360) to (213361).

**Rule 2958.4. Choice of Procedure. Notice upon Subsequent Executions.**

(a) A plaintiff who has given notice pursuant to Rule 2958.1 may not proceed thereafter under Rules 2958.2 and 2958.3.

(b) The notice required by Rules 2958.1 through 2958.3 need not be given upon subsequent executions on a judgment if the notice was given prior to or upon a previous execution on that judgment and either

- (1) the defendant filed a petition for relief from the judgment and the court denied the relief, or
- (2) the defendant failed to file a petition for relief from the judgment within thirty days after service of the notice as required by Rule 2959(a)(3).

**Source**

The provisions of this Rule 2958.4 adopted April 1, 1996, effective July 1, 1996, 26 Pa.B. 1806.

**Rule 2959. Striking off or Opening Judgment. Pleadings. Procedure.**

(a)(1) Relief from a judgment by confession shall be sought by petition. Except as provided in subparagraph (2), all grounds for relief whether to strike off the judgment or to open it must be asserted in a single petition. The petition may be filed in the county in which the judgment was originally entered, in any county to which the judgment has been transferred or in any other county in which the sheriff has received a writ of execution directed to the sheriff to enforce the judgment.

(2) The ground that the waiver of the due process rights of notice and hearing was not voluntary, intelligent and knowing shall be raised only

- (i) in support of a further request for a stay of execution where the court has not stayed execution despite the timely filing of a petition for relief from the judgment and the presentation of prima facie evidence of a defense; and
- (ii) as provided by Rule 2958.3 or Rule 2973.3.

(3) If written notice is served upon the petitioner pursuant to Rule 2956.1(c)(2) or Rule 2973.1(c), the petition shall be filed within thirty days after such service. Unless the defendant can demonstrate that there were compelling reasons for the delay, a petition not timely filed shall be denied.

(b) If the petition states prima facie grounds for relief the court shall issue a rule to show cause and may grant a stay of proceedings. After being served with a copy of the petition the plaintiff shall file an answer on or before the return day of the rule. The return day of the rule shall be fixed by the court by local rule or special order.

(c) A party waives all defenses and objections which are not included in the petition or answer.

(d) The petition and the rule to show cause and the answer shall be served as provided in Rule 440.

(e) The court shall dispose of the rule on petition and answer, and on any testimony, depositions, admissions and other evidence. The court for cause shown may stay proceedings on the petition insofar as it seeks to open the judgment pending disposition of the application to strike off the judgment. If evidence is produced which in a jury trial would require the issues to be submitted to the jury the court shall open the judgment.

(f) The lien of the judgment or of any levy or attachment shall be preserved while the proceedings to strike off or open the judgment are pending.

(g)(1) A judgment shall not be stricken or opened because of a creditor's failure to provide a debtor with instructions imposed by an existing statute, if any, regarding procedures to follow to strike a judgment or regarding any rights available to an incorrectly identified debtor.

(2) Subdivision (g)(1) shall apply to (1) judgments entered prior to the effective date of subdivision (g) which have not been stricken or opened as of the effective date and (2) judgments entered on or after the effective date.

#### Source

The provisions of this Rule 2959 amended through June 20, 1985, effective January 1, 1986, 15 Pa.B. 2452; amended April 1, 1996, effective July 1, 1996, 26 Pa.B. 1806; amended September 28, 2004, effective immediately, 34 Pa.B. 5551. Immediately preceding text appears at serial pages (24894) and (218363).

### **Rule 2960. Proceedings upon Opening of Judgment. Pleadings. Jury Trial. Waiver.**

If a judgment is opened in whole or in part the issues to be tried shall be defined by the complaint if a complaint has been filed, and by the petition, answer and the order of the court opening the judgment. There shall be no further pleadings. The right to a jury trial on the opened judgment shall be deemed waived unless a party files and serves a written demand for jury trial within twenty days after the order opening judgment; but if the issue is referred to compulsory arbitration, Rule 1007.1 shall apply.

**Official Note:** Added June 27, 1969, effective January 1, 1970; amended October 4, 1973, effective December 1, 1973.

#### Source

The provisions of this Rule 2960 amended April 1, 1996, effective July 1, 1996, 26 Pa.B. 1806.

2950-10

**Rule 2961. Application of Amendments to Pending Actions.**

(a) The amendments promulgated in 1996 to the rules of civil procedure prohibiting the entry of a judgment by confession for money in connection with a consumer credit transaction shall apply to actions commenced after the effective date set forth in the Order of the Supreme Court.

**Official Note:** The amendments to Rules 2950, 2951 and 2952 generally relate to the prohibition against the entry of a judgment by confession arising from a consumer credit transaction.

(b) The amendments promulgated in 1996 to the rules governing execution on a judgment entered by confession for money shall apply to executions commenced after the effective date set forth in the Order of the Supreme Court.

**Official Note:** The amendments to Rules 2956.1 through 2959 and Rules 2963 through 2967 generally relate to execution upon a judgment entered by confession and relief from the judgment.

**Source**

The provisions of this Rule 2961 amended April 1, 1996, effective July 1, 1996, 26 Pa.B. 1806. Immediately preceding text appears at serial page (146746).

**FORMS**

**Rule 2962. Confession of Judgment Where Action Commenced by Complaint. Form.**

The confession of judgment required by Rule 2955 shall be substantially in the following form:

[CAPTION]

Pursuant to the authority contained in the warrant of attorney, the original or a copy of which is attached to the complaint filed in this action, I appear for the defendant(s) and confess judgment in favor of the plaintiff(s) and against defendant(s) as follows:

\*(Principal) \*(Penal) Sum \$ \_\_\_\_\_

Other authorized items: \_\_\_\_\_ \$ \_\_\_\_\_

(Specify)

\*\*Interest \$ \_\_\_\_\_

\*\*Attorney fees \$ \_\_\_\_\_

\*Strike out inapplicable item.

\*\*Interest and attorney fees may be included only if authorized by the warrant.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ATTORNEY FOR DEFENDANT(S)

2950-11

Source

The provisions of this Rule 2962 amended April 1, 1996, effective July 1, 1996, 26 Pa.B. 1806; amended December 29, 2008, effective immediately, 39 Pa.B. 304. Immediately preceding text appears at serial page (306116).

Rule 2963. Praecipe for Writ of Execution. Certification. Form.

The praecipe for a writ of execution upon a confessed judgment shall be substantially in the following form:

[Caption]
PRAECIPE FOR WRIT OF EXECUTION UPON A
CONFESSED JUDGMENT

To the Prothonotary:

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

- (1) directed to the sheriff of \_\_\_\_\_ county;
(2) against \_\_\_\_\_, defendant; and
(Name of Defendant)
(3) against \_\_\_\_\_, garnishee;
(Name of Garnishee)
(4) and enter this writ in the judgment index
(a) against \_\_\_\_\_, defendant and
(Name of Defendant)
(b) against \_\_\_\_\_, as garnishee,
(Name of Garnishee)

as a lis pendens against real property of the defendant in name of garnishee as follows:

(Specifically describe property)

(If space insufficient attach extra sheets)

- (5) Amount due \$ \_\_\_\_\_
Interest from \_\_\_\_\_ \$ \_\_\_\_\_
Attorneys' fees \*\*\* \$ \_\_\_\_\_
(Costs to be added) \$ \_\_\_\_\_

Certification

I certify that

- (a) This praecipe is based upon a judgment entered by confession, and
(Delete four of the following paragraphs which are inapplicable.)
(b) Notice has been served pursuant to Rule 2958.1 at least thirty days prior to the filing of this praecipe as evidenced by a return of service filed of record.
(c) Notice will be served at least thirty days prior to the date of the sheriff's sale of real property pursuant to Rule 2958.2.

- (d) Notice will be served with the writ of execution pursuant to Rule 2958.3.
- (e) Notice was served in connection with a prior execution on this judgment and, pursuant to Rule 2958.4(b), no further notice is required.
- (f) Notice is not required under Rule 2956.1(c) because a petition to open or strike the judgment was previously filed.

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(Attorney for Plaintiff)

**Official Note:** Under paragraph (1) when the writ is directed to the sheriff of another county as authorized by Rule 3103(b), the county should be indicated. Under Rule 3103(c) a writ issued on a transferred judgment may be directed only to the sheriff of the county in which issued. Paragraph (3) above should be completed only if a named garnishee is to be included in the writ.

Paragraph (4)(a) should be completed only if entry of the execution in the county of issuance is desired as authorized by Rule 3104(a). When the writ issues to another county entry is required as of course in that county by the prothonotary. See Rule 3104(b).

Paragraph (4)(b) should be completed only if real property in the name of a garnishee is attached and entry as a lis pendens is desired. See Rule 3104(c).

Certification as to waiver of exemption may be included in the praecipe. Specific directions to the sheriff as to property to be levied upon may be included in the praecipe or by separate direction at the option of plaintiff.

**Source**

The provisions of this Rule 2963 adopted April 1, 1996, effective July 1, 1996, 26 Pa.B. 1806; amended September 13, 1996, effective immediately, 26 Pa.B. 4636; amended December 19, 2003, effective July 1, 2004, 34 Pa.B. 22; amended December 29, 2008, effective immediately, 39 Pa.B. 304. Immediately preceding text appears at serial pages (306116) to (306117) and (302557) to (302558).

**Rule 2964. Notice of Judgment and Execution Required by Rule 2958.1. Form.**

The notice required by Rule 2958.1 shall be substantially in the following form:

(Caption)  
 Notice Under Rule 2958.1 of Judgment and  
 Execution Thereon

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Notice of Defendant's Rights

To: \_\_\_\_\_  
 Defendant(s)

A judgment in the amount of \$ \_\_\_\_\_ has been entered against you and in favor of the plaintiff without any prior notice or hearing based on a confession of judgment contained in a written agreement or other paper allegedly signed by

you. The sheriff may take your money or other property to pay the judgment at any time after thirty (30) days after the date on which this notice is served on you.

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

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(Telephone Number)

\_\_\_\_\_  
Attorney for Plaintiff

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone Number

**Source**

The provisions of this Rule 2964 adopted April 1, 1996, effective July 1, 1996, 26 Pa.B. 1806; amended June 10, 2003, effective September 1, 2003, 33 Pa.B. 2974. Immediately preceding text appears at serial pages (220924) and (313367).

**Rule 2965. Notice of Judgment and Execution Required by Rule 2958.2. Form.**

The notice required by Rule 2958.2 shall be substantially in the following form:

(Caption)

Notice Under Rule 2958.2 of Judgment and Execution Thereon

\_\_\_\_\_  
Notice of Defendant's Rights

2950-14

To: \_\_\_\_\_  
Defendant(s)

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

(Date)

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

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

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

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(Telephone Number)

\_\_\_\_\_  
Attorney for Plaintiff

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone Number

**Source**

The provisions of this Rule 2965 adopted April 1, 1996, effective July 1, 1996, 26 Pa.B. 1806; amended June 10, 2003, effective September 1, 2003, 33 Pa.B. 2974. Immediately preceding text appears at serial pages (213367) to (213368).

**Rule 2966. Notice of Judgment and Execution Required by Rule 2958.3. Form.**

The notice required by Rule 2958.3 shall be substantially in the following form:

(Caption)

Notice Under Rule 2958.3 of Judgment and Execution Thereon

\_\_\_\_\_  
Notice of Defendant's Rights

To: \_\_\_\_\_  
Defendant(s)

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

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

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

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

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

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.



IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(Telephone Number)

\_\_\_\_\_  
Attorney for Plaintiff

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone Number

Source

The provisions of this Rule 2966 adopted April 1, 1996, effective July 1, 1996, 26 Pa.B. 1806; amended June 10, 2003, effective September 1, 2003, 33 Pa.B. 2974. Immediately preceding text appears at serial pages (213368) to (213369).

**Rule 2967. Petition to Strike Judgment. Form.**

The petition to strike judgment required by Rules 2958.3 and 2973.3 shall be substantially in the following form:

(Caption)

PETITION TO STRIKE JUDGMENT

REQUEST FOR PROMPT HEARING

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

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

Notice of the hearing should be given to me at

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
City, State

\_\_\_\_\_  
Telephone Number

Dated: \_\_\_\_\_ Defendant(s)

Source

The provisions of this Rule 2967 adopted April 1, 1996, effective July 1, 1996, 26 Pa.B. 1806.

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