

Rule 12.10B Petition for a Sale Having Effect of a Judicial Sale.

1. A petition for an order of Court authorizing or directing the sale (whether public or private) of real estate under any provision of law, whereby the same would have the effect of a judicial sale shall set forth, in addition to the matters required by Pennsylvania Orphans' Court Rules 12.9 and 12.10, and Bucks Rules 12.9A and 12.9D, the following:

a. the names and addresses of all heirs, devisees, legatees or lienholders who would be affected by the sale, indicating the respective interests of each and designating those who may not be sui juris and the fiduciary representing them, if any;

b. a full and complete statement of all known liens and charges upon the subject real estate showing the nature, priority and amounts thereof respectively and indicating which thereof, if any, would not be discharged by the sale under the applicable provisions of law;

c. a statement of the amount and nature of all known additional claims against the estate which may not be liens upon the subject real estate; and

d. if the liens upon the subject real estate may prima facie be satisfied or discharged without the necessity for a judicial sale, or if there be no liens, a statement of such other unusual facts as may be relied upon to invoke the discretion of the Court to order the sale.

2. Upon the presentation of such a petition, the Court may in its discretion, require that a citation issue directed to all parties in interest (including lienholders) who have not joined in the petition requiring them to show cause why the requested order of sale should not be granted. Such citation may be served personally or by certified mail by any adult person or by the sheriff at least 20 days prior to the return day thereof. If it shall appear by affidavit that such citation may not be served personally or by certified mail, the same shall be served by publication, unless the Court for cause shown shall otherwise direct in particular cases, by advertisement in the Bucks County Law Reporter and in one newspaper of general circulation published in the county once a week for three successive weeks, and also by posting the same in a conspicuous place on the subject premises. The last advertisement and such posting are to be made at least 20 days prior to the return day. In all cases, return of service of the citation shall be filed together with supporting affidavits showing the time and manner of service and by attaching return receipt cards and proofs of publication, in appropriate cases.