

Bucks County Rule of Civil Procedure No. 3129.3. Motions to Stay, Continue, Postpone or Adjourn Sheriff's Sales

(a) Motions to stay, continue, postpone or adjourn the sale of a property at a regularly scheduled monthly Sheriff's Sale of Real Estate ("motions to stay") shall be heard by the Court on the morning of the scheduled sale, which is generally held on the second Friday of each month, at 9:30 a.m. in a courtroom to be assigned by the Court Administrator.

Note: This rule does not apply to any sale of real property not listed for the regularly scheduled monthly Sheriff's Sale of Real Estate. Motions to stay sales other than those listed for the monthly Sheriff's Sale shall be filed and proceed in the discretion of the assigned judge.

(b) Plaintiffs', or any agreed or uncontested, motions to stay Sheriff's sales may be electronically filed until 4:30 p.m. on the Tuesday of the week of the scheduled sale. Any motion not electronically filed by 4:30 p.m. on the Tuesday of the week of the scheduled sale may be filed and presented in person in the Office of the Court Administrator at any time prior to the time set forth in subsection (a) above for hearing. Any agreed or uncontested motion not presented in a manner permitted by this rule may not be timely acted upon by the Court.

(c) Defendants', or any contested, motions to stay Sheriff's sales shall be filed and presented in person in the Office of the Court Administrator on the morning of the subject sale prior to the time set forth in subsection (a) above for hearing.

(d) ***Mandatory Notice of Defendant's Motion to Stay on All Counsel of Record.*** Notice of presentation of a defendant's motion to stay Sheriff's sale must be provided to all counsel of record not less than 24 hours prior to the time set forth in subsection (a) above for hearing. Proof of such notice of presentation shall be presented to the Court at the time of hearing, failing which the motion may be dismissed in the Court's discretion.

(e) The Court may refuse to consider any motion to stay a sale presented after the time set for the subject sale to commence.

EXPLANATORY COMMENT: The purpose of this rule is to formalize court practice regarding motions to stay, continue, postpone or adjourn Sheriff's sales to the extent possible. Due to the exigent circumstances of many of the cases in which such sales are scheduled, the Court is aware that a rigid standardized practice is not entirely practicable, and the rule is accordingly drafted in a manner that allows the Court maximum discretion in its handling of the subject motions. One area of significant Court concern is establishing appropriate advance notice to all counsel of presentation of defendants' motions to stay sale by the filing party, which is specifically addressed at subsection (d). The Court has found such notice is too often insufficient in these matters, notwithstanding the clear role of proper notice in ensuring fundamental fairness in all proceedings.

This rule shall become effective 30 days after publication in the Pennsylvania Bulletin.