

Plaintiff

Vs.

Defendant(s)

THE PHILADELPHIA COURT OF

COURT No. _____

TERM No. _____

CLAIM No. _____

**WRIT OF EXECUTION
NOTICE**

This paper is a Writ of Execution. It has been issued because there is a judgment against you. It may cause your property to be held or taken to pay the judgment. You may have legal rights to prevent your property from being taken. If you wish to exercise your rights, you must act promptly.

Exempt Property: The law provides that certain property cannot be taken. Such property is said to be exempt. There is a debtor’s exemption for \$300.00. There are other exemptions, which may be applicable to you. Attached is a summary of some of the major exemptions. You may have other exemptions or other rights.

If you have an exemption, you should do the following promptly: (1) Fill out the attached exemption claim form and demand for a prompt hearing; (2) Deliver the form or mail it to the Sheriff’s Office at the address noted. The fee to file this is \$20.00(Attorney check, certified check, cashiers check or money order **only**).

You should come to court ready to explain you exemption. If you do not come to court and prove your exemption, you may lose some of your property.

Property Belonging to Another Person: If there is property at your residence (or in your bank account) that belongs to another person or that you own with another person, you should notify that person so that he/she can file a Property Claim (fee to file is \$40.00, attorney check, certified check, cashiers check or money order **only**) or other legal papers with the Sheriff’s Office to prevent his/her property from being taken or sold at Sheriff’s Sale to satisfy your debt. See enclosed forms.

“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 SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.”

“LLEVE EST DEMANDA A UN ABOGADO IMMEDIATAMENTE. SI NO TIENE ABOGADO O SO 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 AERIGUAR DONDE SE PUDE CONSGUIR ASISTENCIA LEGAL.”

Philadelphia Bar Association
Lawyer Referral and Information Service
One Reading Center
Philadelphia, PA 19107
Telephone: (215) 238-1701

Asociacion De Licenciados De Filadelfia
Servicio Da Referencia E Informacion Legal
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EXHIBIT “A”

PLAINTIFF _____ VS. DEFENDANT _____
Court & Term No. _____ Claim No. _____

CLAIM FOR EXEMPTION

TO THE SHERIFF:

I, the above-named defendant, claim exemption of property from levy (1) or attachment (2):

- (1) From my personal property in my possession which has been levied upon,
(a) I desire that my \$300.00 statutory exemption by
[] (I) set aside in kind (specify property to be set aside in kind):

- [] (II) paid in cash following the sale of the property levied upon; or
(b) I claim the following exemption (specify property and basis of exemption)

- (2) From my property which is in the possession of a third party, I claim the following exemptions:

- (a) my \$300.00 statutory exemption [] in cash [] in kind
(specify property): _____

- (b) Social Security benefits on deposit in the amount of : \$ _____

(c) Other (specify amount and basis of exemption): _____

I request a prompt court hearing to determine the exemption.
Notice of the hearing should be given to me at: (Name, Address & Telephone Number)

I verify that the statements made in this Claim for Exemption are true and correct. I understand that false statements herein are made subject to the penalties of 18 PA.C.S. Section 4904 relating to unsworn falsification to authorities.

Date: _____ Defendant(s): _____

Phone # _____ Address: _____

City, Zip: _____

THIS CLAIM TO BE FILED WITH:

Office of the Sheriff of Philadelphia County
Land Title Building
100 South Broad Street, Fifth Floor
Philadelphia, PA 19110 (215) 686-3559/60

Note: Under paragraphs (1) and (2) of the writ, a description of specific property to be levied upon or attached may be set forth in the writ or included in a separate direction to the Sheriff.

Under paragraph (2) of the writ, if attachment of a named garnishee is desired, his name should be set forth in the space provided.

Under paragraph (3) of the writ, the Sheriff may, as under prior practice, add as a garnishee any person not named in this writ may be found in possession of property of the defendant. See Rule 3111(a). For limitations on the power to attach tangible personal property, see Rule 3108(a).

- (b) Each court shall by local rule designate the officer, organization or person to be named in the notice.

MAJOR EXEMPTIONS UNDER PENNSYLVANIA AND FEDERAL LAW

- (1) \$300.00 statutory exemption
- (2) Bibles, school books, sewing machines, uniforms and equipment
- (3) Most wages and unemployment compensation
- (4) Social Security benefits
- (5) Certain retirement fund and accounts
- (6) Certain veteran and armed forces benefits
- (7) Certain insurance proceeds

EXHIBIT "A-1"

Plaintiff

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THE PHILADELPHIA COURT OF

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TERM No. _____

CLAIM No. _____

PROPERTY CLAIM NOTICE TO PERSONS OTHER THAN ABOVE-NAMED DEFENDANT WHO OWN PROPERTY LOCATED

All household goods and contents at this address may be scheduled for Sheriff's Sale in the near future to satisfy a judgment against: _____

If you are not named above, and you own property located at this address, your property may be sold unless you inform the Sheriff in writing what property belongs to you.

You may protect your property, including any property that you own jointly with the person named above, by filling out the attached Property Claim form, and filing it at the Office of the Sheriff, prior to sale. The fee for filling the Property Claim is \$40.00, but you may not have to pay the fee if you cannot afford it. (Payment must be in the form of Attorney's check, certified check, cashier's check or money order only.)

If you file a Property Claim, the Sheriff's Sale will not go through until the Sheriff decides whether you own the property you claim.

For additional information, you may telephone the Sheriff's Office at (215) 686-3559/60.

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EXHIBIT “B”

Plaintiff

Vs.

Defendant(s)

THE PHILADELPHIA COURT OF

COURT No. _____

TERM No. _____

CLAIM No. _____

SHERIFF'S CERTIFICATION

I, _____ hereby certify that upon information and belief, the following persons reside or own personal property at _____, Philadelphia, PA _____, the location where personal property to levy in this matter.

NAME

ADDRESS

[] No person other than defendant.

Signed: _____

EXHIBIT "D"

Plaintiff

Vs.

Defendant(s)

THE PHILADELPHIA COURT OF

COURT No. _____

TERM No. _____

CLAIM No. _____

SHERIFF OF PHILADELPHIA COUNTY

WRIT NO. _____

Dear Sheriff:

Enclosed please find a copy of the Sheriff's Certification concerning persons who reside or may own personal property at the location where personal property is subject to levy in this matter.

To ensure that the property of non-judgment debtor is not made subject to execution you are required to complete and serve the enclosed Property Claim Notice, along with a Property Claim, by mailing same by First Class U.S. Mail, postage prepaid under separate cover to each person listed on the Sheriff's Certification.

After making this service, you must file a written Certificate of Service with the Sheriff's Office.

The Sheriff will not schedule a Sheriff's Sale in this case until the required Certificate(s) of Service have been filed.

EXHIBIT "E"

Plaintiff

Vs.
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THE PHILADELPHIA COURT OF

COURT No. _____
TERM No. _____
CLAIM No. _____

NOTICE TO CO-OWNER OF ATTACHMENT OF PROPERTY

Date: _____

The Bank account or other property that you own with the defendant(s) above-named, have been attached by plaintiff _____ to satisfy a judgment obtained by the plaintiff against the defendant. Your money or property may soon be taken even though you owe nothing to the plaintiff.

If some of the funds in the account or some of the property held by the garnishee, _____, belongs to you, you should contact the bank or garnishee to see if it is defending your funds or property against garnishment. If the bank or garnishee is not defending against garnishment of property, you can prevent garnishment by filling a Petition with the Sheriff.

To protect your funds or property, you should complete the attached Petition to Intervene Stay and Set Aside Writ of Execution as to Non-Judgment Debtor Property and file it in the Office of the Sheriff within fifteen (15) days after the date of this notice.

For additional information, you may call the Sheriff's Office at (215) 686-3559/60

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COURT No. _____
TERM No. _____
CLAIM No. _____

**PETITION TO INTERVENE, STAY AND SET ASIDE
WRIT OF EXECUTION AS TO NON-JUDGMENT OF DEBTOR PROPERTY**

(\$40.00 to file - must be in form of attorney's check, cashier check, certified check or money order **only**.)

This petition respectfully represents:

1. I, _____, the Petitioner, am a party in interest and hereby move to intervene in this garnishment proceeding pursuant to PA.R.Civ. P. Nos. 3121 and 3126 et seq.
2. The plaintiff has attached personal property belonging to me currently in the possession of the garnishee.
3. This attached property consists of:
 money held in a bank account held in common or jointly with the defendant
 other (specify) _____
4. The Writ of Execution must be stayed and set aside as to my property because the plaintiff does not have the legal right to attach and/or garnish property other than that belonging to the judgment debtor in this matter.
5. I verify that the foregoing statements of fact are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 PA. C.S.A. 4904 relating to unsworn falsifications to authorities.

Date: _____

(Petitioner)

(Address)

(Telephone)

Plaintiff

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CLAIM No. _____

**APPLICATION TO PROCEED IN FORMA PAUPERIS
(PROPERT CLAIM/PETITION TO INTERVEN,
STAY AND SET ASIDE WRIT OF EXECUTION)**

TO THE SHERIFF:

1. My personal property is subject to levy or attachment due to a judgment against another person.
2. Because of my financial condition, I am unable to pay the fees and costs of filling my Property Claim form/Petition to Intervene, Stay and Set Aside Writ of Execution; and to defend my property interests.
3. I am unable to obtain funds from anyone, including my family and associates, to pay the costs of this litigation. I understand that I have a continuing obligation to inform the Court of improvement in my financial circumstances, which would permit me to pay the cost incurred herein.
4. I verify that the information disclosed on this application and the attached Financial Statement are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to penalties of 18 PA C.S.A. 4904 relating to unsworn falsification to authorities.

Name: _____

Address: _____

Telephone: _____

PLAINTIFF _____ VS. DEFENDANT _____
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FINANCIAL STATEMENT

- (a) Name: _____
Address: _____
_____ Phone Number _____
Social Security Number: _____
- (b) Employment: If you are recently employed, state
Employer: _____
Address: _____
_____ Phone Number _____
Salary or wages per month: _____
Type of work: _____
- (c) Other Income within the past twelve (12) months:
Business or Profession: _____
Other Self-Employment: _____
Interest: _____ Dividends: _____
Pension and Annuities: _____
Social Security Benefits: _____ Support Payments: _____
Disability Payments: _____
Unemployment Compensation/Workers Compensation: _____
Public Assistance: _____ Other: _____
- (d) Other Contributions to Household Support
(Wife) (Husband) Name: _____
If your (Wife/Husband) is employed, state:
Employer: _____
Salary or wages per month: _____
Type of Work: _____
Contributions from Children: _____
Contributions from Parents: _____
Other Contributions: _____
- (e) Property Owned:
Cash: _____
Checking Account: _____ Savings Account: _____
Certificates of Deposit: _____
Real Estate (including home): _____
_____ Motor Vehicle: Make: _____ Year: _____
Cost: _____ Amount Owed: _____
- (f) Stocks/bonds: _____
Debts and Obligations
Mortgage: _____ Rent: _____
Loans: _____ Other: _____
- (g) Persons Dependent Upon You for Support
(Wife/Husband) Name: _____
Children, if any:
Name: _____ Age: _____
_____ Age: _____
_____ Age: _____
Other Persons:
Name: _____
Relationship: _____

EXHIBIT "H-1"