

Rule 416. Distribution of Proceeds. Priorities.

A. Not later than five [(5)] days after the sale of personal property the officer executing the order shall prepare a **proposed** schedule of [**proposed**] distribution of the proceeds of sale which shall be kept on file in the office of the district justice from which the order issued and shall be available for inspection. No schedule of distribution need be filed when the property is sold to the plaintiff for costs only.

B. When a receipt of the plaintiff has been accepted on account of the purchase price, the schedule shall set forth [**his**] **the plaintiff's** name and address, the amount of [**his**] **the** judgment and the amount of credit claimed or allowed upon the purchase price.

C. [**The officer executing the order shall distribute the proceeds of the sale in accordance with the proposed schedule of distribution unless written exceptions are filed in the office of the district justice from which the order issued not later than ten (10) days after the filing of the proposed schedule.**] **Unless written exceptions are filed in the office of the district justice from which the order issued not later than ten days after the filing of the proposed schedule of distribution, the officer executing the order shall distribute the proceeds of the sale directly to the party or parties entitled to receive the proceeds in accordance with the proposed schedule.**

D. When levies are made against the same property by one or more executing officers under orders of execution issued at the request of separate plaintiffs, priority of distribution of the proceeds of the sale as between such plaintiffs shall be determined by the time their respective requests for orders of execution or reissuance thereof were filed in the office of the issuing district justice.

Official Note: **Subdivision C makes clear that it is the responsibility of the executing officer to distribute the proceeds of the sale directly to the party or parties entitled to receive the proceeds. The executing officer should segregate from personal funds, hold in escrow, and ensure the safekeeping of any proceeds held prior to distribution.**

Compare Pa.R.C.P. No. 3136(a), (b), (d) [;] , **and** 3137(a). Subdivision D **of this rule** bases the determination of priorities on the diligence of the plaintiffs and recognizes that there may be more than one executing officer in some instances. It differs from Rule 3137(a) under which priorities are based on the time of delivery of the writs of execution to the sheriff, since it was thought that priorities should not depend upon the time of transmission of the order of execution from the district justice to the executing officer.