

Laser Fax

Modification 5
Informational 5.84
December 30, 2008

SERVER MILEAGE DEFAULT

The default amount for server mileage on the Server Fees Entry screen will change from \$.585 to \$.550 on January 1st. The \$.55 rate is consistent with the IRS rate that will be allowed as a deduction for 2009.

ISSUING WARRANTS

As you are aware, criminal court case warrants are electronically transferred from the MDJS to the FBI's National Crime Information Center (NCIC) and the Commonwealth's Law Enforcement Assistance Network (CLEAN). Since this transfer occurs immediately when the warrant action code ISSU (Issue Warrant) is recorded in the MDJS, it is imperative that the Magisterial District Judge has signed the warrant prior to your recording the issuance in the MDJS. Otherwise a defendant could be apprehended or detained based on a warrant that was not authorized by an issuing authority since it lacks a signature.

AMENDMENTS CONCERNING EXECUTION OF JUDGMENTS FOR MONEY; STAY OF EXECUTION; ABANDONMENT OF LEVY

Effective January 1, 2009, the Supreme Court of Pennsylvania had adopted amendments to Rules 410, 412, and 418 of the Rules of Conduct, Office Standards and Civil Procedure for Magisterial District Judges.

The Stay of Execution screen has been modified to accommodate for plaintiff requests, for multiple party stays and for lifting of the stay. The screen has also been customized based on who is making the request and a few other screen changes to improve functionality.

- ✍ To accommodate changes to Rule 410, the MDJS will now allow for a stay upon request of the plaintiff. After you select the Stay of Execution option, the interested party pop-up window will display plaintiff names for selection. If a plaintiff interested party is selected, an informational message, PLTF Must Provide a Written Request, will display as a reminder that the plaintiff must provide written direction.
- ✍ If a plaintiff is requesting the stay, the Bond Amount field will not allow an entry.
- ✍ If a party other than the plaintiff is requesting the stay, the Bond Amount field will require an amount greater than \$0.00.

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- ✍ New paragraphs (B) and (C) have been added to Rule 410 to provide that when the execution is stayed under the Rule, the stay may not be lifted without written order of the Magisterial District Judge, and that when a stay is lifted, execution may proceed without reissuance of the order of execution. A new Action Code, LIFT (Lift Stay of Execution), has been added to the Stay of Execution screen. New form, Order Lifting Stay of Execution (AOPC 620) will generate when the stay is lifted.
- ✍ When the interested party does not have an active stay record, the Stay of Execution screen will default the action code to FILE.
- ✍ If you select an interested party with an active stay, only CNCL (Cancel Stay of Execution), and LIFT (Lift Stay of Execution) are allowed action codes.
- ✍ If the Days Levy Stayed field is left blank, informational message, The Levy is Generally Stayed, will display.
- ✍ The Bond Waived (Y/N) field has been removed from the Stay of Execution screen.

In addition to the MDJS changes listed above, please be aware of several procedural clarifications or changes to Rules 412 and 418. Rule 412 (A)(2) requires that the Notice of Sale be posted in the magisterial district court from which the order of execution was issued, and if different from the court from which the order issued, in the magisterial district court in the magisterial district in which the place of the sale is located.

Rule 418 provides that as a general rule the levy shall be abandoned if a sale is not held within three months. The three-month period of time during which the sale is stayed is still excluded, but in all cases the executing officer would be required to abandon a levy if a sale is not held within six months.