

Rule 420. Determination of Property Claims and Disputes.

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B. In acting under subdivision A of this rule, the district justice may:

(1) Reappraise or redesignate property appraised or designated by **the** executing officer, or order inclusion in the levy of property set aside by that officer.

(2) [**Stay or o**] **Order** the abandonment of the levy in whole or part, or release property from the levy.

(3) Stay or prohibit a sale of all or part of the property levied upon.

(4) Order that property levied upon be released to a third party who has a valid claim thereto.

(5) Stay the distribution, or order a distribution different than that proposed by the executing officer.

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Official Note: Subdivision [**s**] A [**and B**] of this rule sets forth the various disputes concerning the execution [**which**] **that**, along with property claims, [**the district justice is to hear and determine and what he may do in connection therewith**] **may be brought before the district justice. Subdivision B sets forth the relief that the district justice may grant in connection with these disputes.** The [**subsections of A and B should**] **provisions of this rule can** be compared with the Pennsylvania Rules of Civil Procedure as follows:

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This rule does not provide for a preliminary determination by the executing officer as to the merits of a property claim by a third party (see Pa.R.C.P. Nos. 3206, 3207), for it was considered that the district justice should be readily available for this purpose and that it would not be desirable to allow constables to make any such determination. Also, it was thought to be permissible to require the district justice to make the determinations and to take the actions mentioned in this rule as an exercise of power ancillary to [**his**] **the district justice's** general power to order execution of the judgment. Subdivision C of the rule is based on Pa.R.C.P. No. 3132.