RULE 305. SETTING THE DATE FOR HEARING; DELIVERY FOR SERVICE

The district justice, at the time the complaint is filed, shall:

(1) Set a hearing date which shall be not less than **[twelve (12)]** **12** or more than **[sixty (60)]** **60** days from the date the complaint is filed.

(2) Insert the hearing time and date and the address of **[his magisterial office]** **the district justice court** in the complaint form.

(3) Deliver a copy of the complaint form with hearing time and date thereon to the plaintiff **[or his agent]**.

(4) Deliver a copy of the complaint form with hearing time and date thereon for service on the defendant as hereinafter set forth, which copy shall contain the following notice:

(a) If you intend to enter a defense to this complaint, you should so notify this office immediately.

(b) If you have a claim against the plaintiff which is within district justice jurisdiction and which you intend to assert at the hearing, you must file it on a complaint form at this office at least five **[(5)]** days before the date set for the hearing. **[If you have a claim against the plaintiff which is not within district justice jurisdiction, you may request information from this office as to the procedures you may follow.]**

(c) **[You must appear at the hearing and present your defense.]** **YOU MUST APPEAR AT THE HEARING AND PRESENT YOUR DEFENSE.** UNLESS YOU DO, JUDGMENT **[WILL]** **MAY** BE ENTERED AGAINST YOU BY DEFAULT.

Note

The **[sixty]** **60** day limitation in subdivision (1) of this rule was considered to provide sufficient time in which to effect service under the requirement of Rule 307 that service be made at least ten days before the hearing. See Rule 314E as to reinstatement of complaints **dismissed because of lack of service**. **[It is contemplated that the]** **The** copies required in subdivisions (3) and (4) **[will be]** **are** provided by the District Justice Automated System **[or "snap out" forms]**. Giving the notice mentioned in subdivision (4)(a) is necessary if the defendant is to obtain judgment under Rule 319A because of the plaintiff's failure to appear. Subdivision (4)(b) gives notice of the right to file a cross-claim within district justice jurisdiction. The procedure for filing such a claim is set forth in Rule 315, and the [note] Note to that rule indicates possible procedures as to

counterclaims not within district justice jurisdiction. Subdivision (4)(c) provides for a warning concerning a default judgment, which may be rendered under Rule 319B.

Amended Oct. 17, 1975, effective in 90 days; June 30 1982, effective 30 days after July 17, 1982; March 27, 1992, effective June 25, 1992 [The March 27, 1992, Order provided in part: "in promulgating this Order, the Court recognizes that the District Justice Automation Project will be affected by said Rule changes and that, therefore, those Rules which affect the Project will become effective as the District Justice offices are brought on-line"]**; amended April 5, 2002, effective July 1, 2002**.