

THIS IS AN ENTIRELY NEW RULE

RULE 211. ABOLISHED, CONSOLIDATED, OR CHANGED MAGISTERIAL DISTRICTS; SUBSEQUENT FILINGS

When these rules specify that a party is to file or serve an ancillary or supplementary action in the district justice court which rendered a judgment or issued other process, but that court no longer exists or its magisterial district boundaries have been changed, the party may file or serve the ancillary or supplementary action only in the district justice court in which the original record of the proceedings containing the judgment is filed.

Note

This rule provides a procedure for filing or serving an ancillary or supplementary action, when the action should be filed or served in the district justice court which rendered the judgment or issued other process, but that court has been abolished, consolidated or otherwise changed. Such actions may include a request for order of execution or a request for a certified copy of a judgment (see Rule 402), an objection to levy or other property claim (see Rule 413), a request for order of possession (see Rule 515), or a request for entry of satisfaction (see Rule 341), among others. The rule provides that, under these circumstances, the action may be filed or served only in the district justice court that has become the official custodian of the original record, even though that court did not render the judgment.

Adopted April 5, 2002, effective January 1, 2003.

Rule 306. NUMBERING AND FILING OF COMPLAINTS

The district justice shall retain the original of the complaint. Complaints shall be numbered consecutively in order of filing, annually, and shall be filed as prescribed by the [**State**] **Court Administrator of Pennsylvania**. Complaints filed in the case by a defendant shall take the same number as the plaintiff's complaint.

Note

It was felt that this rule contained all the provisions concerning office procedures that should be required by rule. [**It is hoped, however, that close supervision by the State Court Administrator will bring about**] **The Court Administrator of Pennsylvania publishes the District Justice Automated Office Clerical Procedures Manual that prescribes** uniform filing, record keeping and other office procedures.

The phrase "[c]omplaints filed in the case by a defendant" includes cross-complaints filed pursuant to Rule 315 and supplementary actions filed pursuant to Rule 342.

Amended June 30, 1982, effective 30 days after July 17, 1982; **amended April 5, 2002, effective January 1, 2003.**

Rule 315. CLAIM BY DEFENDANT

A. The defendant, by filing [**his own**] **a** complaint at least five [**(5)**] days before the date set for the hearing, may assert in the case any claim against the plaintiff [**which**] **that** is within the jurisdiction of a district justice. Such a claim need not arise from the same transaction or occurrence from which the plaintiff's claim arose, nor need it be the same type of claim.

B. The rules governing the form, processing, and service of a plaintiff's complaint shall apply also to the defendant's complaint [, **and**] **The district justice shall set** a date and time for the hearing of both complaints together [**shall be set which**] **that** shall not be less than [**twelve (12)**] **12** or more than [**thirty (30)**] **30** days from the filing of the defendant's complaint.

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D. If the defendant files a cross-complaint, the district justice shall promptly notify the plaintiff of the time and date set for the hearing of both complaints together. If the plaintiff has an attorney of record [**named in the complaint form filed by him**] , the notice shall be given to the attorney of record instead of to the plaintiff.

Note

Subdivision A of this rule permits the defendant to file a cross-complaint against the plaintiff at least five days before the date originally set for the hearing, if it is for a claim cognizable by a district justice. [**See the Judicial Code, § 1515(a)(3)**] **See Section 1515(a)(3) of the Judicial Code**, 42 Pa.C.S. § 1515(a)(3), [**as amended by § 10(18) of the Judiciary Act Repealer Act, Act of April 28, 1978, P.L. 202, No. 53,**] as to waiver of jurisdictional limits, a defendant filing a cross-complaint being considered a "plaintiff" as to the cross-complaint within the meaning of this statute. [**Such a claim need not comply with the counterclaim rules found in Pa.R.C.P. Nos. 1031 (a) and 1046.**] The **requirement that a cross-complaint be filed at least** five days before the hearing [**limitation**] is intended to give the district justice time to notify the plaintiff or [**his**] **the plaintiff's** attorney, under subdivision D of the rule, of any new hearing time and date [, **so that he will not arrive at the office of the district justice with his witnesses only to find that the original date of the hearing has been changed to a later date**]. Notice under subdivision D is not a substitute for the service required under subdivision B. If the defendant does not file [**within the five day period, he can**] **an action at least five days before the hearing, the defendant may** still file a complaint against the plaintiff but it will not be processed [**under the cross-complaint rules**] **as a cross-complaint.**

No provision has been made for a stay of the district justice proceedings upon notice by the defendant [**that he intends**] **of intention** to commence an action in the court of common pleas on a claim against the plaintiff not within district justice jurisdiction. It was thought that no such provision was necessary, for if the plaintiff

prevails in the district justice action the defendant may appeal, the appeal operates as an automatic supersedeas of the money judgment, the case is heard de novo, and the defendant may assert [his] a claim in the court of common pleas, possibly as a counterclaim. [See Pa.R.C.P.J.P. Nos.] See Rules 1002, 1007, and 1008.

Since a cross-complaint is in the nature of a responsive pleading, there is no fee for filing it.

No cross-complaint may be filed in a supplementary action filed under Rule 342. See Rule 342 and Note.

Amended Oct. 17, 1975, effective in 90 days; Jan. 29, 1976, effective in 30 days; April 25, 1979, effective in 30 days; June 30, 1982, effective 30 days after July 17, 1982; **amended April 5, 2002, effective January 1, 2003.**

Rule 324. NOTICE OF JUDGMENT, DISMISSAL OR CONTINUANCE, AND THE RIGHT TO APPEAL

A. The district justice shall promptly give or mail to the parties written notice of judgment, dismissal or continuance. The **written** notice shall be given **or mailed** to all parties, but if any party has an attorney of record [**named in the complaint form**], the written notice shall be given **or mailed** to the attorney of record instead of to the party.

B. [**Notice**] **The written notice** of judgment shall contain :

(1) advice as to the right of the parties to appeal, the time within which the appeal must be taken, and that the appeal is to the court of common pleas [.] .

(2) **a statement advising that, except as otherwise provided in the rules, if the judgment holder elects to enter the judgment in the court of common pleas, all further process must come from the court of common pleas and no further process may be issued by the district justice, and**

(3) **a statement advising that unless the judgment is entered in the court of common pleas anyone interested in the judgment may file a request for entry of satisfaction with the district justice if the judgment debtor pays in full, settles, or otherwise complies with the judgment.**

Note

As to subdivision B(2), see Rule 402D and Note. As to subdivision B(3), see Rule 341.

Amended effective Feb. 1, 1973; amended Oct. 17, 1975, effective in 90 days; April 25, 1979, effective in 30 days; June 30, 1982, effective 30 days after July 17, 1982; amended effective Dec. 1, 1983; amended 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 and Note added April 5, 2002, effective January 1, 2003.**

Rule [**325**] **210**. PRACTICES PROHIBITED

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Note

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[Amended] Rule 325 amended June 30, 1982, effective 30 days after July 17, 1982; renumbered Rule 210 April 5, 2002, effective January 1, 2003.

THIS IS AN ENTIRELY NEW RULE

SATISFACTION OF MONEY JUDGMENTS

RULE 341. REQUEST FOR ENTRY OF SATISFACTION; SERVICE; ENTRY OF SATISFACTION

A. If a judgment debtor has paid in full, settled, or otherwise complied with a judgment rendered in a district justice court, anyone interested in the judgment may request the entry of satisfaction of the judgment by filing a written request in the office of the district justice who rendered the judgment.

B. A request for entry of satisfaction by anyone other than the judgment creditor must be served upon the judgment creditor in accordance with the rules in the 300 Series regarding service of the complaint.

C. Within 90 days from the date of service of the request for entry of satisfaction, the judgment creditor shall enter satisfaction in the office of the district justice in which the request for entry of satisfaction was filed.

Note

Subdivision A provides a mechanism for a judgment debtor, or anyone interested in the judgment, to file a written request for entry of satisfaction in the office of the district justice who rendered the judgment. See Section 8104(a) of the Judicial Code, 42 Pa.C.S. § 8104(a).

Subdivision B is intended to provide a number of alternative methods of service. See Rules 307, 308, 309, 310, 311, 312 and 313. When permitted, service by mail should be at the option of the person filing the request for entry of satisfaction.

Upon the entry of satisfaction, the judgment debtor may file a true copy of the entry of satisfaction in any other district justice court in which the judgment may have been entered pursuant to Rule 402. Nothing in this rule is intended to suggest that it is the obligation of the judgment creditor to enter satisfaction in any court other than the court specified in subdivision C.

These procedures also apply to satisfaction of money judgments rendered in actions for the recovery of possession of real property (landlord/tenant actions). See Rules 514 and 518.

If a judgment creditor does not comply with the provisions of this rule, the judgment debtor may proceed under Rule 342.

A party may contest the entry of satisfaction by filing a petition to strike the entry of satisfaction with the court of common pleas.

Adopted April 5, 2002, effective January 1, 2003.

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RULE 342. FAILURE OF JUDGMENT CREDITOR TO ENTER SATISFACTION; SUPPLEMENTARY ACTION

A. If the judgment creditor does not enter satisfaction within the 90 day period after service of the request as specified in Rule 341C, the judgment debtor may commence a supplementary action for damages by filing a civil complaint in the office of the district justice in which the request for entry of satisfaction was filed.

B. (1) Except as provided in subparagraph B(2), upon the filing of a complaint as provided in subdivision A, the action shall proceed as a civil action in accordance with the rules of the 300 Series.

(2) No claim under Rule 315 will be permitted in a supplementary action filed pursuant to this Rule.

Note

A judgment debtor may seek damages pursuant to Section 8104(b) of the Judicial Code, 42 Pa.C.S. § 8104(b). The action commenced under subdivision A of this Rule is a supplementary proceeding in the matter in which the judgment was entered. As such, it must be filed in the office of the district justice in which the request for entry of satisfaction was filed. Also, it must be indexed to the same docket number as, and made a part of the record of, the underlying action. See Rule 306 and Note. Because the supplementary action is merely a continuation of the underlying action, there are no filing costs for it, however there may be costs for service of the action.

Subdivision B provides that, once a supplementary action is filed under subdivision A, the proceedings in the action, including the form of the complaint, setting the hearing date, service, and hearing, should proceed as if a regular civil action, except that no cross-complaints under Rule 315 will be permitted. See Rules 304 through 381. While it is not the intent of this rule to limit defenses that may be raised in a supplementary action, only those issues arising from the Rule 342 supplementary action are to be considered at the hearing. Therefore, subparagraph B(2) makes clear that no cross-complaints are permitted to be filed.

When rendering judgment in an action filed pursuant to this rule, the district justice may determine if the judgment debtor is entitled to damages under Section 8104(b) of the Judicial Code, 42 Pa.C.S. § 8104(b), and whether satisfaction should be entered on the underlying judgment.

A party may appeal from a judgment in an action filed pursuant to this rule, but issues on appeal are limited to those raised in the action filed under this rule. See Rule 1007.

Adopted April 5, 2002, effective January 1, 2003.

Rule 402. REQUEST FOR ORDER OF EXECUTION; ENTRY OF JUDGMENT IN COURT OF COMMON PLEAS

A. Execution of a judgment for the payment of money rendered by a district justice may be ordered by a district justice in whose office the judgment was rendered or entered, provided the plaintiff files in that office

(1) not before the expiration of [**thirty (30)**] **30** days after the date the judgment is entered by the district justice, and

(2) within five [**(5)**] years of that date,

a request for an order of execution [**on a form which shall be prescribed by the State Court Administrator**] .

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C. The plaintiff may enter the judgment, for the purpose of requesting an order of execution thereon, in an office of a district justice other than that in which it was rendered only if [:

(1) the office of the district justice in which the judgment is entered for execution is that of the district justice of the magisterial district within the boundaries of which the district justice who rendered the judgment conducted his magisterial business, or

(2)] levy is to be made outside the county in which the judgment was rendered and the office in which the judgment is entered for execution is that of a district justice whose magisterial district is situated in the county in which levy is to be made. The plaintiff may enter the judgment in such other office by filing therein a copy of the record of the proceedings containing the judgment, certified to be a true copy by the district justice in whose existing office the judgment was rendered or by any other official custodian of the record.

D. **(1)** The plaintiff may enter the judgment in the court of common pleas in any county. When so entered, the indexing, revival and execution of the judgment shall be in accordance with procedures applicable in the court of common pleas.

(2) The judgment may be entered in the court of common pleas by filing with the prothonotary a copy of the record of the proceedings containing the judgment, certified to be a true copy by the district justice in whose office the judgment was rendered or by any other official custodian of the record.

(3) The judgment may be entered in the court of common pleas after **[thirty (30)] 30** days from the date the judgment is entered by the district justice. The judgment may not be entered in the court of common pleas after five **[(5)]** years from the date the judgment is entered by the district justice.

(4) Except as provided in subparagraph D(5) of this rule, once the judgment is entered in the court of common pleas all further process must come from the court of common pleas and no further process may be issued by the district justice.

(5) The district justice shall enter satisfaction on the docket of the district justice proceedings upon the filing by any Party in interest of a certified copy of the docket entries of the court of common pleas showing the and satisfaction have been entered in the court of common pleas.

Note

Under subdivision A of this rule, the execution proceedings are commenced by requesting an "order of execution." **[on a new form or form sets to be prescribed by the State Court Administrator. This is in accordance with the purpose of simplifying district justice procedures sought to be achieved throughout these rules. See the note to Rule 304.]** The request may not be filed before the expiration of **[thirty (30)] 30** days after the date **[of]** the judgment **is entered by the district justice**. This will give the defendant an opportunity to obtain a supersedeas within the appeal period. The request must be filed within five **[(5)]** years of the date **[of]** the judgment **is entered by the district justice**. No provision has been made for **[the]** revival of **[the] a** judgment in district justice proceedings.

Subdivision C provides for entering the judgment, for the purpose of requesting an order of execution, in an office of a district justice other than that in which the judgment was rendered **[, but imposes certain limitations upon the use of this procedure. The first instance in which this can be done, set forth in C(1), will provide a procedure for use in the case of abolished, consolidated or changed magisterial districts. The second instance, set forth in C(2), provides for a transfer of the judgment]** when levy is to be made outside the county in which the judgment was rendered. Compare Pa.R.C.P. No. 3002.

As to Subdivision D, **[see the Judicial Code, § 1516, 42 Pa.C.S. § 1516.] see Section 1516 of the Judicial Code, 42 Pa.C.S. 4 1516.** The **[thirty] 30** day limitation **in the rule** appears to be required by this section. Certification by the district justice should not be done before the expiration of **[thirty (30)] 30** days after the date of entry of the judgment. The only method available to renew a judgment would be to record the judgment in the Prothonotary's office prior to the expiration of the five year period and

then follow the applicable Rules of Civil Procedure for the [**Revival of a Judgment, Rule 1521 and 3025 et seq.**] revival of judgments. See Pa.R.C.P. No. 3025 et seq. Also, [**Subdivision**] subdivision D makes clear that when the judgment is entered in the court of common pleas, all further process shall come from the court of common pleas and that no further process shall be issued by the district justice **except that the district justice shall enter on the district justice docket proof of satisfaction of a judgment that had been entered in the court of common pleas and subsequently satisfied in that court. This exception is necessary so that procedures exist for entering satisfaction of all judgments with the district justice court, regardless of whether the judgment has been certified to and satisfied in the court of common pleas.**

Amended Jan. 29, 1976, effective in 30 days; amended effective March 24, 1977; amended April 25, 1979, effective in 30 days; June 30, 1982, effective 30 days after July 17, 1982; March 27, 1992, effective June 25, 1992; amended December 15, 2000, effective January 1, 2001; amended April 5, 2002, effective January 1, 2003.

RULE 514. JUDGMENT

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Note

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For procedure for entry of satisfaction of money judgments, see Rule 341.

Amended April 25, 1979, effective in 30 days; June 30, 1982, effective 30 days after July 17, 1982; amended effective Dec. 1, 1983; amended 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."]; March 28, 1996, effective March 29, 1996; **Note revised April 5, 2002, effective January 1, 2003.**

RULE 518. SATISFACTION OF ORDER BY PAYMENT OF RENT AND COSTS

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Note

[Rent in arrears shall include only those sums] "Rent actually in arrears" means the sum set forth on the order for possession.

For procedure for entry of satisfaction of money judgments, see Rule 341.

Amended 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."]; **Note revised April 5, 2002, effective January 1, 2003.**

Rule 1001. DEFINITIONS

As used in this chapter*:

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(6) "Claimant" includes a defendant with respect to a defendant's cross-complaint **or supplementary action filed pursuant to Rule 342** in the action before the district justice.

(7) "Defendant" includes a plaintiff with respect to the defendant's cross-complaint **or supplementary action filed pursuant to Rule 342** in the action before the district justice.

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Note

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Adopted June 1, 1971. Amended April 25, 1979, effective in 30 days; June 30, 1982, effective 30 days after July 17, 1982; amended effective Dec. 1, 1983; **amended April 5, 2002, effective January 1, 2003.**

Rule 1007. PROCEDURE ON APPEAL

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B. [The] **Except as otherwise provided in subdivision C, the** action upon appeal [shall] **may** not be limited with respect to amount in controversy, joinder of causes of action or parties, counterclaims, added or changed averments or otherwise because of the particulars of the action before the district justice.

C. **When an appeal is taken from a supplementary action filed pursuant to Rule 342, only those issues arising from the Rule 342 action are to be considered.**

Note

As under earlier law, the proceeding on appeal is conducted de novo, but the former rule that the proceeding would be limited both as to jurisdiction and subject matter to the action before the district justice [(see **Crowell Office Equipment v. Krug, 213 Pa.Super. 261, 247 A.2d 657, 1968**)] (see **Crowell Office Equipment v. Krug, 213 Pa. Super. 261, 247 A.2d 657 (1968)**) has not been retained. Under subdivision B, the court of common pleas on appeal can exercise its full jurisdiction and all parties will be free to treat the case as though it had never been before the district justice, subject of course to the Rules of Civil Procedure. **The only limitation on this is contained in subdivision C, which makes clear that an appeal from a supplementary action filed pursuant to Rule 342 is not intended to reopen other issues from the underlying action that were not properly preserved for appeal.**

Adopted June 1, 1971. Amended June 30, 1982, effective 30 days after July 17, 1982; **amended April 5, 2002, effective January 1, 2003.**