

**IN THE COURT OF COMMON PLEAS OF NORTHAMPTON COUNTY  
COMMONWEALTH OF PENNSYLVANIA  
CRIMINAL DIVISION - LAW**

**IN RE: ADMINISTRATIVE ORDER 2020-20** | **No.: C-48-AD-75-2020**

**Pa.R.J.A. 1952 – JUDICIAL EMERGENCY**

**FILED**  
2020 MAY -4 AM 10:07  
CLERK OF COMMON PLEAS  
CRIMINAL DIVISION  
NORTHAMPTON COUNTY, PA

**ADMINISTRATIVE ORDER**

**AND NOW**, this 4<sup>th</sup> day of May, 2020, pursuant to (1) the Pennsylvania Supreme Court’s Orders dated March 16, 2020, April 1, 2020, and April 28, 2020, which suspended “all time calculations for purposes of time computation relevant to court cases or other judicial business” from March 19, 2020 through May 10, 2020, and specifically prohibited evictions from residences through May 11, 2020 for failure to make a monetary payment;<sup>1</sup> and 2) Pennsylvania Rule of Judicial Administration 1952,

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<sup>1</sup> Although Pennsylvania Rule of Judicial Administration 1952 allows a President Judge of a Judicial District to “suspend or modify the time requirements and limitations established by local rules,” with respect to statewide rules, the President Judge may “make application to the Supreme Court to temporarily suspend or modify statewide court rules as applied to any case or cases in the judicial district.” See Pa.R.J.A. 1952(B)(2)(I), (m). The Landlord Tenant Act of 1951, 68 P.S. § 250.101, and the Rules of Civil Procedure Governing Actions and Proceedings Before Magisterial District Judges are statewide laws and statewide rules of procedure. This Court has not made application to the Supreme Court to suspend any statewide laws or statewide rules of procedure, nor have we stated in any Administrative Order that any statewide laws or statewide rules of procedure have been suspended. Therefore, pursuant to the Supreme Court’s Orders, the prohibition in the Third Judicial District on the issuance of orders of possession and eviction from residential properties for failing to make monetary payments expires on May 11, 2020.

it is hereby **ORDERED** as follows:

1. Pursuant to Rule 516 of the Pennsylvania Rules of Civil Procedure for Magisterial District Judges, after excluding the time from March 19, 2020 through May 10, 2020, upon receipt a timely request for an order of possession for residential property, the Magisterial District Judge "shall issue the order for possession and shall deliver it for service and execution to the sheriff of, or any certified constable in, the county in which the office of the magisterial district judge is situated." See Pa.R.C.P.M.D.J. No. 516(A);<sup>2</sup>
2. No order of possession may be issued to a Constable or Sheriff before May 11, 2020;
3. For all orders of possession which were issued prior to March 19, 2020, the Magisterial District Judge shall reissue the order for possession and shall deliver it for service and execution to the Constable or Sheriff. The costs for reissuance of the order of possession shall be charged to the County of Northampton;

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<sup>2</sup> To the extent Constables are unavailable, or believe they are unable to perform services because of the Governor's March 19, 2020 Order closing all non-life-sustaining businesses, the order of possession may be delivered to the Sheriff of Northampton County for service and execution.

4. Because the Magisterial District Courts remain closed to the public through May 31, 2020, the order of possession shall be mailed to the Constable or Sheriff;
5. No order of possession which has been issued or reissued shall be served by a Constable or Sheriff before May 11, 2020; and
6. Pursuant to Rule 519(B) of the Pennsylvania Rules of Civil Procedure for Magisterial District Judges, the Constable or Sheriff executing the order of possession shall evict the tenant or any unauthorized person remaining on the landlord's property on the eleventh day following the service of the order of possession as set forth in Rule 516 and Rule 519.

**BY THE COURT:**

  
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**MICHAEL J. KOURY, JR.**  
**PRESIDENT JUDGE**