

Rule 402. Request for Order of Execution. Entry of Judgment in Court of Common Pleas **or Philadelphia Municipal Court.**

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

(2) The judgment may be entered in the court of common pleas **or the Philadelphia Municipal Court** by filing with the prothonotary a copy of the record of the proceedings containing the judgment, certified to be a true copy by the magisterial district judge 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 **or the Philadelphia Municipal Court** after 30 days from the date the judgment is entered by the magisterial district judge. The judgment may not be entered in the court of common pleas **or the Philadelphia Municipal Court** after five years from the date the judgment is entered by the magisterial district judge.

(4)(a) Within 14 days of entering the judgment in the court of common pleas **or the Philadelphia Municipal Court,** the plaintiff shall file satisfactory proof of the entry of judgment with the magisterial district court that entered the judgment, and the magisterial district court shall vacate the judgment from its docket.

(b) If after 14 days of entering the judgment in the court of common pleas **or the Philadelphia Municipal Court,** the plaintiff fails to comply with subparagraph 4(a) of this rule, the defendant may file such proof with the magisterial district court that entered the judgment, and the magisterial district court shall vacate the judgment from its docket.

(5) Except as provided in paragraphs D(4) and D(6) of this rule, once the judgment is entered in the court of common pleas **or the Philadelphia Municipal Court** all further process must come from **[the court of common pleas] that court** and no further process may be issued by the magisterial district judge.

(6) The magisterial district judge shall enter satisfaction on the docket of the magisterial district court proceedings upon the filing by any party in interest of a certified copy of the docket entries of the court of common pleas **or the Philadelphia Municipal Court** showing the judgment and satisfaction have been entered in **[the court of common pleas] that court.**

E. (1) As used in this rule, a judgment marked “expired” is a judgment that cannot be satisfied, revived, or vacated because the five-year period designated in Rule 402 has elapsed.

(2) If the plaintiff does not request an order of execution in a magisterial district court or enter the judgment in a court of common pleas **or the Philadelphia Municipal Court** within five years of the date the judgment was entered by the magisterial district judge, then the judgment shall be marked expired.

#### Official Note

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As to subdivision D, see Section 1516 of the Judicial Code, 42 Pa.C.S. § 1516. The 30 day limitation in the rule appears to be required by this Section. Certification by the magisterial district judge should not be done before the expiration of 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 or **Municipal Court Administrator’s** office prior to the expiration of the five-year period and then follow the applicable Rules of Civil Procedure for the revival of judgments. See Pa.R.C.P. No. 3025 *et seq.*; **see also Phila. M.C.R.Civ.P. No. 126c.** Also, subdivision D makes clear that when the judgment is entered in the court of common pleas **or the Philadelphia Municipal Court**, all further process shall come from **[the court of common pleas] that court** and that no further process shall be issued by the magisterial district judge except that the magisterial district judge shall enter on the magisterial district court docket vacating of the judgment due to its entry at the court of common pleas **or the Philadelphia Municipal Court**, or proof of satisfaction of a judgment that had been entered in the court of common pleas **or the Philadelphia Municipal Court** and subsequently satisfied in that court. This exception is necessary so that procedures exist for entering satisfaction of all judgments with the magisterial district court, regardless of whether the judgment has been certified to and satisfied in the court of common pleas **or the Philadelphia Municipal Court**. A plaintiff filing a judgment in the court of common pleas **or the Philadelphia Municipal Court** is required to file satisfactory proof of the entry of judgment with the magisterial district court that entered the judgment, and the magisterial district court will then vacate its judgment. This step ensures that only the enforceable common pleas **or Philadelphia Municipal Court** judgment will be reportable as an outstanding liability of the defendant.

Subdivision E provides that a judgment shall be marked expired if the plaintiff does not request an order of execution in a magisterial district court or enter the judgment in a court of common pleas **or the Philadelphia Municipal Court** within five years of the date the judgment was entered by the magisterial district judge. Limiting the time period

for entry of the judgment to five years will give a plaintiff sufficient time to act without indefinitely penalizing a defendant.