

Rule 506. Service of Complaint.

A. The magisterial district judge shall serve the complaint by mailing a copy of it to the defendant's **last known address** by first class mail and by delivering a copy of it for service to the sheriff of, or any certified constable in, the county in which the office of the magisterial district judge is situated. If this service is not available to the magisterial district judge, service may be made by any certified constable of the Commonwealth. The officer receiving the copy shall serve it by handing it to the defendant or to an adult person in charge for the time being of the premises possession of which is sought to be recovered or, if none of the above is found, by posting it conspicuously on those premises.

B. The copy shall be served at least five days before the hearing.

Official Note

Under subdivision A of this rule, service must be made both by first class mail and delivery for service in the manner prescribed. In actions where wage garnishment may be sought under Pa.R.C.P. No. 3311, the plaintiff may authorize the sheriff or constable to make personal service upon a tenant/defendant. If a tenant/defendant is not present at the property the sheriff or constable is authorized to post the complaint so that the underlying landlord-tenant action may proceed. The plaintiff may authorize the sheriff or constable to make additional attempts to effectuate personal service upon the tenant/defendant so the plaintiff can later prove such service if attempting to garnish wages under Pa.R.C.P. No. 3311. Additional service attempts by the sheriff or constable may result in additional fees.

Rule 519.1. Request for Determination of Abandoned Manufactured Home (NEW)

A. A plaintiff may request a determination that a manufactured home is abandoned by filing the request on a form prescribed by the State Court Administrator with the magisterial district court in the magisterial district where the manufactured home is located.

B. If the determination is not or cannot be made during a hearing for recovery of possession pursuant to this chapter, the magisterial district court shall set a hearing date which shall be not less than seven (7) or more than fifteen (15) days from the date the request is filed.

C. The magisterial district court shall serve a copy of the request and the hearing notice on the defendant in the manner set forth in Rule 506.

D. The magisterial district judge shall promptly give or mail written notice of the determination to the parties in interest. Notice of the determination shall contain advice as to the right of the parties to file a Statement of Objection, the time within which the statement must be filed, and that the statement is to be filed with the court of common pleas.

E. Any party aggrieved by a determination made by a magisterial district judge under this rule may obtain a reconsideration thereof in the court of common pleas by filing a statement of objection to the determination pursuant to Rule 1016 with the prothonotary and with the magisterial district judge in whose office the determination was made.

Official Note

This rule was adopted in 20__ to accommodate the provisions of section 10.1 of the Act of November 24, 1976, P.L. 1176, No. 261, added by section 2 of the Act of October 24, 2012, P.L. 156, § 2, 68 P.S. § 398.10.1, which provides for a magisterial district judge to hold a hearing and make a determination that a manufactured home is abandoned.

The plaintiff must pay any fees or costs at the time of filing the request.

Rules 1016 - 1020, providing for the filing and consideration of a statement of objection to an order or determination made by a magisterial district judge under Rule 420, also apply to determinations made under this rule. A party seeking reconsideration of a determination of abandonment made concurrent with a judgment for possession must file the statement of objection in addition to the

notice of appeal. Rule 1016B requires that the statement of objection must be filed with the prothonotary and the magisterial district judge within ten (10) days after the date of the determination to which objection is made. Both appeals from judgments for possession under residential leases and statements of objections to determinations of abandonment must be made within ten (10) days after the date of entry.

Rule 1016. Statement of Objection **[to Rule 420 Orders and Determinations]**.

A. Any party in interest aggrieved by an order or determination made by a magisterial district judge under Rule 420 **or Rule 519.1** may obtain a reconsideration thereof in the court of common pleas by filing a statement of objection to the order or determination with the prothonotary and with the magisterial district judge in whose office the order or determination was made.

B. The statement of objection shall be filed with the prothonotary and the magisterial district judge within ten (10) days after the date of the order or determination to which objection is made.

Official Note

This rule and Rules 1017—1020 provide a system for reconsideration in the court of common pleas of orders and determinations of magisterial district judges dealing with execution matters, **and abandonment of manufactured homes**.

Under subdivision B of this rule, the statement of objection must be filed within ten days after the date of the questioned order or determination. **[See Rule 421C.]** The time limit for filing a statement of objection need not be the same as that for filing a notice of appeal from a judgment. See the Judicial Code, § 5571(c)(4), 42 Pa.C.S. § 5571(c)(4), as amended by § 10(67) of the Judiciary Act Repealer Act, Act of April 28, 1978, P. L. 202, No. 53. It may be noted that under Pa. R.C.P. Nos. 3206(b) and 3207(b) objections to sheriff's determinations must be made within ten days after the date of mailing of the determination.

Rule 1018. Duties of Magisterial District Judge Upon Receipt of Statement of Objection.

A. Immediately upon receipt of the statement of objection, the magisterial district judge shall send a copy of it by ordinary mail to all other parties in interest.

B. Within ten (10) days after receiving the statement of objection, the magisterial district judge shall file with the prothonotary a certified true copy of the record of actions taken by the magisterial district judge under Rule 420 **or Rule 519.1**, but copies of only those appeals, objections, claims, exceptions or requests considered under **Rule 420 or Rule 519.1** that are pertinent to the statement of objection need be attached to that record.

Official Note

As to the procedure in subdivision A, compare Pa. R.C.P. Nos. 3206(b), 3207(b).

Subdivision B is intended to bring before the court copies of the documents on file in the office of the magisterial district judge pertaining to the matter in question. The attachments to the record of Rule 420 or **Rule 519.1** actions referred to in this subdivision are notations by the magisterial district judge of appeals taken under Rule 408C and objections to levy under Rule 413, property claims under Rule 413, exceptions to distribution under Rule 416C, **[and]** requests to set aside sale under Rule 420C filed in the office of the magisterial district judge, **and determinations of mobile home abandonment under Rule 519.1.**

Rule 1019. Consideration of Statement of Objection by Court of Common Pleas.

A. Upon consideration of the statement of objection, the court of common pleas shall take such action and make such orders as shall be just and proper.

B. The matters raised by the statement of objection shall be considered de novo by the court of common pleas.

Official Note

Consideration of the matters raised by the statement of objection will be de novo and the court is given broad latitude and discretion in disposing of these matters. Although the proceedings are de novo, this will not excuse failure to comply with whatever time limitations are imposed (see Rules 408C, 413, 416C, **[and]** 420C, **and 519.1**) for raising before the magisterial district judge the matters now before the court of common pleas.