

Rule 410. [Bond for] Stay of Execution Generally.

(A) Execution shall be stayed as to the property of the defendant upon the occurrence of any of the following:

(1) Upon written request of the plaintiff to the magisterial district court.

(2) Upon the entry of [If the defendant, or any person or party in interest, enters] a bond with the magisterial district [judge] court by any person or party in interest, with security approved by [him] the magisterial district judge, in the amount of the plaintiff's judgment, including probable interest and costs, or in such lesser amount as the magisterial district judge may direct, [the magisterial district judge shall stay execution as to the property of the defendant. The bond shall name] naming the Commonwealth of Pennsylvania as the obligee, and [shall be] conditioned to pay the amount due within [ninety (90)] 90 days of the entry of the bond, unless the time for payment is extended by the magisterial district judge. [This rule does not apply to judgments obtained for wages for manual labor.]

(B) When execution is stayed pursuant to this rule, the stay may not be lifted without written order of the magisterial district judge.

(C) After a stay is lifted, execution may proceed without reissuance of the order of execution.

Official Note: Compare Pa.R.C.P. No. 3121(a) [(2)]. **Other rules in this chapter may also provide for a stay in specific circumstances covered by those rules.**

Rule 412. Notice of Sale.

[A.] **(A)(1)** The executing officer shall give notice of the sale of personal property at least six days prior to the sale [**by handbills posted in the office of the magisterial district judge from which the order of execution issued, at the place of sale and, if different from the place of sale, at the place of levy and by mailing a copy of the handbill to the defendant at his last known address and to the plaintiff**].

(2) The executing officer shall give notice of the sale in the following manner:

(a) By handbill posted in the magisterial district court from which the order of execution issued and, if different from the court from which the order issued, in the magisterial district court in the magisterial district in which the place of the sale is located.

(b) By handbill posted at the place of sale and, if different from the place of sale, at the place of levy.

(c) By mailing a copy of the handbill to the plaintiff and to the defendant at his or her last known address.

[B.] **(B)** The notice of sale shall include a notice that all claims to the property must be filed before sale in the [**office of the**] magisterial district [**judge**] **court** from which the order of execution issued and that all claims to the proceeds must be filed in that [**office**] **court** before distribution; that a **proposed** schedule of distribution will be filed in that [**office**] **court** on a date specified not later than five [**(5)**] days after the sale; and that distribution will be made in accordance with the **proposed** schedule unless exceptions are filed **in that court** within ten [**(10)**] days thereafter. No further notice of the filing of the schedule of distribution need be given.

[C.] **(C)** If a new date for sale is set, new notice shall be given as prescribed in [**subdivisions A and B**] **paragraphs (A) and (B)** of this rule.

Official Note: Compare Pa.R.C.P. No. 3128. See **Section 8151 of** the Judicial Code, [**§ 8151,**] 42 Pa.C.S. § 8151, [**added by § 10(96) of the Judiciary Act Repealer Act, Act of April 28, 1978, P. L. 202, No. 53,**] as to giving **notice** to the Department of Revenue [, **at least twenty days prior to sale, a report or return concerning the property to be sold, unless exempted by regulation**].

Rule 418. Abandonment of Levy for Inability to Hold Sale.

[The] **(A) Except as otherwise provided in paragraph (B), the** officer executing the order shall abandon the levy if sale of the property levied upon is not held within [**six (6)**] **three** months after the levy.

(B) Periods during which sale is stayed under any provision of these rules shall be excluded in computing [**such six months**] **the three month** period **provided in paragraph (A), but in all cases the officer executing the order shall abandon the levy if sale of the property levied upon is not held within six months.**

Official Note: Compare Pa.R.C.P. No. 3120(2). This rule requires the executing officer to abandon the levy if sale is not held within [**six**] **three** months, [**with the exclusion mentioned, instead of merely permitting him to do so as under the cited rule**] **excluding time periods when the execution may be stayed, but in all cases the levy must be abandoned if the sale is not held within six months of the levy.** It was considered that the particular execution proceedings should terminate under these circumstances.