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IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
TRIAL DIVISION-CIVIL

PENNSYLVANIA LAND TITLE ASSOCIATION,	:	MARCH TERM, 2002
	:	
	:	NO. 02424
Plaintiff,	:	
	:	COMMERCE PROGRAM
v.	:	
	:	
CITY OF PHILADELPHIA and SHERIFF JOHN GREEN,	:	
	:	
Defendants.	:	

DOCKETED
MAY 13 2026
R. POSTELL
COMMERCE PROGRAM

JSB PROPERTY GROUP, LLC	:	MARCH TERM, 2026
	:	
Plaintiff,	:	NO. 02653
	:	
v.	:	COMMERCE PROGRAM
	:	
CITY OF PHILADELPHIA and PHILADELPHIA COUNTY SHERIFF ROCHELLE BILAL,	:	
	:	
Defendants.	:	

ORDER AND RULE TO SHOW CAUSE

AND NOW this 13th day of May, 2026, it appearing that the Philadelphia County Sheriff's Office is not timely performing its essential, non-discretionary, ministerial duties, which are mandated by law, with respect to Sheriff's Sales of real property in connection with judgments issued by, and liens filed with, this Court,

THEREFORE, this Rule is issued upon the Sheriff of Philadelphia to Show Cause why the Court should not enforce the February 24, 2003 Consent Order of Mandamus entered in the



first of the above-captioned cases, a copy of which Order is attached hereto and made a part hereof, and why the Court should not require the Sheriff to promptly issue a schedule of distribution, execute and deliver a deed, distribute sales proceeds and fees, and perform its other necessary duties with respect to each Sheriff's Sale of real property occurring in the City and County of Philadelphia for the following reasons:

WHEREAS Pennsylvania Rule of Civil Procedure 3190 provides that “[a] judgment in rem in an action or proceeding upon a mechanics lien, municipal claim, tax claim or a charge on land shall be enforced against the real property subject to the lien, claim or charge in accordance with Rules 3180 to 3183 governing the enforcement of judgments in mortgage foreclosure.

WHEREAS Pennsylvania Rule of Civil Procedure 3181(a) governing mortgage foreclosures provides that “[t]he procedure for the enforcement of a judgment against real property shall be in accordance with the rules governing the enforcement of judgments for the payment of money with respect to the following: -- (10) Sheriff's Deed, Distribution of Proceeds:-- Rules 3135 and 3136.”

WHEREAS Pennsylvania Rule of Civil Procedure 3136, which applies to executions against real property, requires that:

(a) Not later than thirty days after the sale of real property and not later than five days after the sale of personal property, the sheriff shall prepare a schedule of proposed distribution of the proceeds of sale which shall be filed in the prothonotary's office. No schedule of distribution or list of liens need be filed when the property is sold to the plaintiff for costs only.

* * *

(c) In sales of real property the sheriff shall attach to the schedule a list of liens upon the property sold as certified from the record by the proper officers or a guaranteed search from any title company authorized to do business within the county. The cost of certifying the list of liens or the title search, the

acknowledgment, recording and registry of the deed and transfer or documentary stamps shall be charged as an expense of distribution.

(d) The sheriff shall distribute the proceeds of sale in accordance with the proposed schedule of distribution, unless written exceptions are filed with the sheriff not later than ten (10) days after the filing of the proposed schedule.

WHEREAS the Sheriff's Office acknowledges on its website (<https://phillysheriff.com/about-us/>) that it is "responsible to manage all First Judicial [District] Court ordered foreclosures of property. Foreclosures of property include executing mortgage and tax sales all in an ethical, honest, transparent and respectful manner while offering dignity to all involved in the procedure."

WHEREAS with respect to both tax and mortgage foreclosure sales, the Sheriff's Office acknowledges on its website (<https://phillysheriff.com/conditions-of-sale-for-tax-sales/> and <https://phillysheriff.com/philadelphia-county-mortgage-foreclosure-conditions-of-sale/>) its duty under Pennsylvania Rule of Civil Procedure 3136 as follows:

The Sheriff will file in the Prothonotary's office a Schedule of Distribution Thirty (30) Days from the date of sale of Real Estate. Distribution will be made in accordance with the Schedule unless exceptions are filed thereto within Ten (10) days thereafter. Any balance exceeding the payouts per the Schedule of Distribution and Exceptions thereto, shall be paid to the homeowner at the time of sale.

* * *

All auctions are conducted pursuant to Pennsylvania Rules of Civil Procedure and the local rules of the City and County of Philadelphia.

WHEREAS Pennsylvania Rule of Civil Procedure 3135(a), which applies to executions against real property, requires that:

When real property is sold in execution and no petition to set aside the sale has been filed, the sheriff, at the expiration of twenty days but no later than 40 days after either the filing of the schedule of distribution or the execution sale if no schedule of distribution need be filed, shall execute and acknowledge before the

prothonotary a deed to the property sold. The sheriff shall forthwith deliver the deed to the appropriate officers for recording and for registry if required. Confirmation of the sale by the court shall not be required.

WHEREAS the Sheriff's Office acknowledges on its website <https://phillysheriff.com/what-are-the-next-steps/>) with respect to "third party successful bidder[s]" at Sheriff's Sales that:

The winning bidder does not become the official new owner until the Sheriff's Deed Poll is issued. If the property is occupied, the new owner must start a judicial procedure for ejectment to have the occupant removed.

* * *

The sheriff's deed is the last step in the distribution process. Once the deed is recorded [the purchaser] will need to contact the Philadelphia Records Department in City Hall Room 154 to obtain the deed.

WHEREAS the failure of the Sheriff's Office to issue the deed promptly may cause irreparable harm to the purchaser, including:

- a. creating clouded, unmarketable, and uninsurable title;
- b. requiring the purchaser to incur additional court costs and legal fees by having to file an action for mandamus or a motion to compel the Sheriff's Office to perform its legal, ministerial duties;
- c. impeding the purchaser's ability to insure, repair, rehabilitate, mortgage, sell, rent, or otherwise use and maintain the real property and any buildings on it;
- d. exposing the purchaser to ongoing carrying costs, taxes, utility charges, municipal fines, liabilities, and risks; and
- e. preventing the purchaser from stabilizing or repairing dangerous buildings and from evicting illegal squatters, tenants who have breached their leases, or others who may cause harm to the property. *See Wells Fargo Bank, N.A. v. Long*, 934 A.2d 76, 78 (Pa. Super. 2007) ("title to property sold at a sheriff's sale does not transfer the right to possession until the sheriff's acknowledgement and recordation of the deed[.]")

WHEREAS the failure of the Sheriff's Office to issue the deed promptly may cause irreparable harm to the City of Philadelphia and its residents, including:

- a. Leaving vacant or abandoned properties unsecured and deteriorating for prolonged periods;
- b. Delaying remediation, stabilization, demolition, or repair of dangerous properties;
- c. Increasing risks of fire, water intrusion, structural failure, collapse, infestation, or other hazards affecting neighboring properties;
- d. Depressing neighboring property values and undermining neighborhood redevelopment efforts;
- e. Depressing Sheriff's Sale prices, thereby lowering the sales proceeds paid to homeowners, as well as the amount of taxes recoverable by the City;
- f. Increasing the City's burden with respect to code enforcement, nuisance abatement, stabilization, inspections, and emergency response;
- g. Increasing litigation and administrative burdens upon City agencies and the Court system;
- h. Delaying the City's recovery of delinquent taxes and municipal claims and thereby preventing the City from promptly using revenue from Sheriff's Sales to support essential city operations and services, including the Philadelphia public schools; and
- i. Delaying the productive return of distressed properties to lawful and economically beneficial use.

WHEREAS on February 24, 2003, the Court in the first of the above-captioned actions in mandamus entered a Consent Order of Mandamus (the "2003 Consent Order") against the Sheriff's Office ordering the Sheriff to take all such action as is necessary with respect to Sheriff's sales including, but not limited to, to:

- a. Execute, acknowledge and deliver to the Department of Records for recording a Sheriff's Deed to the real property, no later than forty (40) days from the date the purchaser completes settlement with the Sheriff on the Sheriff's Sale; and
- b. Fully distribute to the City and all other parties entitled to distribution, all monies collected by the Sheriff at settlement, no later than forty (40) days from the date of settlement.

WHEREAS the 2003 Consent Order provides that “[t]his Court shall retain jurisdiction of this matter to enforce compliance with the terms of this Order.”

WHEREAS the plaintiff JSB Property Group, LLC (“JSB”) in the second of the above-captioned actions alleges in its Complaint for declaratory judgment and mandamus that:

- a. It is a purchaser of at least eight separate parcels of real estate at Sheriff’s Sales;
- b. The Sheriff has failed to issue schedules of distribution and has failed to execute and deliver deeds for those properties;
- c. The plaintiff is “suffer[ing] economic harm by, among other things, the lost value of the use of money [it paid to the Sheriff] and the reasonable anticipated profits from the resale of the Properties;” and
- d. The plaintiff has standing to enforce the 2003 Consent Order.

WHEREAS numerous parties have filed actions and motions with this Court asking the Court to order the Sheriff to perform its ministerial duties with respect to Sheriff’s Sales, and/or to deliver deeds for properties sold at Sheriff’s Sale long after settlement on the Sale has occurred. For example:

- a. the plaintiff purchaser in Case No. 230201218 recently filed five motions to compel the Sheriff to issue deeds on five separate properties where settlement on the Sheriff’s Sale was completed by September 2025 at the latest. In its Complaint, the plaintiff claims that it has been harmed by the Sheriff’s inaction because it “is not legally allowed to exercise possession until the recording of the Sheriff’s Deed thereby exposing the property to undue harm and risk.”
- b. the plaintiff condominium association in Case No. 251003427 seeks a judgment in mandamus requiring the Sheriff to issue a deed in connection with a December, 2024 Sheriff’s Sale. In its Complaint, it references three other similar pending actions and claims that “the Sheriff’s inaction prevents distribution of proceeds and clouds finality of the sales; it delays the transfer of units and frustrates the [condominium’s] ability to realize on its judgments.”

WHEREAS not all people involved in Sheriff's Sales as buyers, sellers, or homeowners can afford to pay a lawyer to file legal papers asking the Court to compel or mandate the Sheriff's Office to perform its legal, ministerial duty to distribute funds and record deeds in a timely and efficient manner. For instance, a low-income homeowner whose house is sold at a tax or mortgage foreclosure sale may be entitled to immediate payment of "any balance exceeding the payouts per the Schedule of Distribution and Exceptions thereto," which funds they may need urgently to pay for new housing or they risk being unhoused.

NOW THEREFORE, it is hereby **ORDERED and DECREED** as follows:

1. **On or before JULY 13, 2026**, the Sheriff shall file of record with the Court an unredacted version of the following items under seal and a redacted version with names omitted on the public docket:
 - a. A detailed list or spreadsheet of all Sheriff's Sales conducted from January 6, 2020, through the present, which list shall include for each Sheriff's Sale the address of the property sold, the date of the sale, the date of the purchaser's settlement with the Sheriff, the date of the Sheriff's delivery of the deed to the Department of Records, the names of the judgment creditor(s), the judgment debtor(s), the buyer(s), the seller(s), and any other parties involved in the Sale, any circumstances, such as a right of redemption or exceptions filed to a schedule of distribution, that might justify a delay in execution and delivery of the deed by the Sheriff;
 - b. With respect to each Sale described under section 1(a) above, a detailed accounting of all sales proceeds received and disbursed, with date(s) of receipt, date(s) of disbursement, the recipients' names, and the amount(s) each received;
 - c. With respect to each Sale described under section 1(a) above, a detailed accounting of the Sheriff's or other governmental entity's costs and fees assessed with respect to each Sale, the date(s) those fees and costs were paid to the Sheriff, the bank account in which

they were deposited by the Sheriff, and the date they were transferred to any other governmental entity;

- d. A detailed list or spreadsheet of all persons who perform(ed) work on behalf of the Sheriff's Office with respect to Sheriff's Sales conducted from January 6, 2020 through the present, which list shall include each employee's or independent contractor's title, a description of each person's duties, the amount(s) paid to, or in connection with, the work performed by each person, and the date and reason for any such employee's or independent contractor's termination; and
- e. A detailed plan for promptly issuing schedules of distribution, executing and delivering deeds, and disbursing proceeds from all Sheriff's Sales in the future and all prior Sheriff's Sales in which such duties have not yet been performed.

- @10AM
2. **The Sheriff shall appear on JULY 27, 2026, in Courtroom 630, City Hall, Philadelphia, Pennsylvania, and SHOW CAUSE** why an elisor or special master, a title agent, or some similar person or entity acting with the power of the Court shall not be appointed by the Court to oversee the Sheriff's Office's performance of its duties in connection with future Sheriff's Sales and to eradicate any backlog in issuing schedules of distribution, distributing sale proceeds, and executing and delivering deeds from prior Sheriff's Sales by:
- a. supervising, monitoring, accounting for, and reporting upon the Sheriff's handling of Sheriff's Sales;
 - b. establishing procedures, deadlines, reporting requirements, accounting controls, staffing recommendations, and operational safeguards sufficient to ensure ongoing

compliance with Pennsylvania law, the Pennsylvania Rules of Civil Procedure, and prior Orders of this Court;

c. protecting purchasers, former property owners, lienholders, neighborhoods, and the public from ongoing harm caused by delays in the completion of Sheriff's Sales and the transfer of title and sale proceeds; and

d. ensuring the orderly, lawful, transparent, timely, and efficient administration of judicial sales conducted pursuant to the authority of this Court.

3. The Office of Judicial Records shall immediately serve this Order by electronic mail or regular mail if an electronic mail address is unavailable upon:

a. the Office of the Sheriff of Philadelphia County;

b. the City Solicitor of Philadelphia; and

c. counsel of record in the above captioned matters.

BY THE COURT:



PAULA A. PATRICK, S. J.

FOX, ROTHSCHILD, O'BRIEN & FRANKEL, LLP
BY: EDWARD J. HAYES, ESQUIRE
IDENTIFICATION NO. 30243
2000 MARKET STREET, TENTH FLOOR
PHILADELPHIA, PA 19103-3291
(215) 299-2000

ATTORNEYS FOR PLAINTIFF

PENNSYLVANIA LAND TITLE ASSOCIATION : COURT OF COMMON PLEAS
: OF PHILADELPHIA COUNTY

v.

March Term, 2002

CITY OF PHILADELPHIA and
SHERIFF JOHN GREEN

No. 002424

CONSENT ORDER OF MANDAMUS

AND NOW, this 24th day of February, 2003, upon consideration of the Stipulation of the parties, by and through their counsel, and it appearing from that Stipulation that Plaintiff has standing to bring this action and that there is no appropriate or adequate remedy other than relief in mandamus, it is hereby

ORDERED AND DECREED as follows:

1. Beginning with the Sheriff's Sales occurring in April 2003, the Sheriff shall take all such action as is necessary, including but not limited to the hiring of personnel and the expenditure of monies to pay salaries and overtime, to:

- a. Execute, acknowledge and deliver to the Department of Records for recording a Sheriff's Deed to the real property, no later than forty (40) days from the date the purchaser completes settlement with the Sheriff on the Sheriff's Sale; and
- b. Fully distribute to the City and all other parties entitled to distribution, all monies collected by the Sheriff at settlement, no later than forty (40) days from the date of the settlement.

2. As to all Sheriff's Sales occurring within one (1) year prior to the date of this Order, the Sheriff shall take all such action as is necessary, including but not limited to the hiring of personnel and the expenditure of monies to pay salaries and overtime, to:

- a. Execute, acknowledge and deliver to the Department of Records for recording a Sheriff's Deed to the real property, no later than (i) six (6) months from the date of this Order or (ii) six (6) months from the date the purchaser completes settlement with the Sheriff on the Sheriff's Sale, whichever is later; and
- b. Fully distribute to the City and all other parties entitled to distribution, all monies collected by the Sheriff no later than (i) six (6) months from the date of this Order or (ii) six (6) months from the date the purchaser completes settlement with the Sheriff on the Sheriff's Sale, whichever is later.

3. Anything contained in paragraph 2 to the contrary notwithstanding, in the event of a specific written demand from Plaintiff or a third party who has made settlement with the Sheriff for a Sheriff's Deed or distribution on a particular Sheriff's Sale that occurred less than one (1) year prior the date of this Order, the Sheriff will, no later than forty (40) days after demand (a) execute, acknowledge and deliver to the Department of Records for recording a Sheriff's Deed to the real property and (b) distribute all monies collected at settlement. A demand for either a Sheriff's Deed or

a distribution will obligate the Sheriff to fulfill both the deed and distribution requirements, regardless of whether or not demand for both has been made.

4. As to all Sheriff's Sales occurring more than one (1) year prior to the date of this Order, the Sheriff shall take all action as is necessary, including but not limited to the hiring of personnel and the expenditure of monies to pay salaries and overtime, to, within a reasonable period of time from the date of this Order, (a) execute, acknowledge and deliver Sheriff's Deeds from all those sales to the Department of Records for recording and (b) distribute all monies collected at settlement on those sales.

5. Anything contained in paragraph 4 to the contrary notwithstanding, in the event of a specific written demand from Plaintiff or a third party who has made settlement with the Sheriff for a Sheriff's Deed or distribution on a particular Sheriff's Sale that occurred more than one (1) year prior to the date of this Order, the Sheriff will, no later than forty (40) days after demand, (a) execute, acknowledge and deliver a Sheriff's Deed to the Department of Records for recording, and (b) distribute all monies collected at settlement. A demand for either a Sheriff's Deed or a distribution will obligate the Sheriff to fulfill both the deed and distribution requirements, regardless of whether or not demand for both has been made.

6. In the event the demand for Sheriff's Deeds or distributions is so great that, even with the hiring of personnel and the expenditure of monies necessary to pay salaries and overtime, the Sheriff cannot reasonably meet the deadlines set forth in this Order, the Sheriff may petition this Court for a hearing to determine if temporary relief from the time periods set forth herein is appropriate. Upon filing, a copy of the petition shall be served on counsel for Plaintiff. Despite the filing of such petition, the Sheriff shall continue to comply with the terms and provisions of this Order until relief is afforded by the Court.

7. As the City has acknowledged the importance of removing from property accounts municipal liens, charges, interest and penalties through the date of distribution once it has received distribution of the proceeds of Sheriff's Sales, the City shall use its best efforts to do so in timely fashion.

8. The City shall take such action as is reasonably necessary to insure that water service is not terminated to properties or tax sales scheduled as a result of delinquencies that have been paid to the Sheriff but not yet distributed. In the event that water service has been terminated, the City shall, upon proper notice, reinstate water service in timely fashion. In the event a tax sale is scheduled, the City shall, upon proper notice, remove the property from the tax sale list.

9. Demands for Sheriff's Deeds or the distribution of monies from Plaintiff or any third parties shall be made in writing to the Philadelphia Sheriff's Office, 6th Floor, Land Title Building, 100 South Broad Street, Philadelphia, Pennsylvania 19110—ATTN: Real Estate Division. Any change in the address for such demands shall be provided to Plaintiff in writing and shall be posted in the Sheriff's Office in a conspicuous place for at least thirty (30) days after the change.

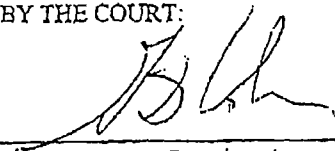
10. The Sheriff shall make available for inspection and review by Plaintiff and the public all affidavits filed with the Sheriff pursuant to Pa.R.C.P. 3129.1. Said affidavits shall be made available for no less than five (5) years from the date of Sheriff's Sale either on-line at the Sheriff's web-site or in hard copy form as part of the file on a particular property. After five (5) years, the Sheriff shall be free to archive such records, however, they shall be kept in such manner that they can be produced for inspection and copying within seven (7) days of demand for review. Nothing contained herein shall create an obligation on the part of the Sheriff or the City to maintain the affidavits for longer than otherwise provided by law.

11. In the event the Sheriff or City believe in good faith that it is necessary to dispose of affidavits prior to the time period provided by law, the Sheriff shall consult with Plaintiff and if

agreement cannot be reached, may petition this Court for a hearing to determine if relief from this Order is appropriate. Upon filing, a copy of the petition shall be served on counsel for Plaintiff. Despite the filing of such petition, the Sheriff shall continue to comply with the terms and provisions of this Order until relief is afforded by the Court.

12. This Court shall retain jurisdiction of this matter to enforce compliance with the terms of this Order.

BY THE COURT:



G. COHEN J.

** TOTAL PAGE.08 **

Case ID: 260302653