

No. 137

AN ACT

Authorizing courts of common pleas to stay writs of execution against, and tax sales of, certain real property in certain cases; providing for the continuance of return days of writs of execution; and authorizing sales thereon without issuance of further writs.

Preamble.

Whereas, The present economic emergency has brought increasing distress to home owners and farmers; and

Whereas, Foreclosures, in this emergency, work tremendous inequities to such persons, yield a minimum of satisfaction to execution creditors, and deprive families of shelter and means of subsistence, thus endangering the health, safety, welfare and morals of the public.

Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, as follows:

Executions and tax sales.

Section 1. Definitions.—That when used in this act, the following words and phrases shall have the meanings respectively ascribed to them by this section, unless the context clearly requires a different meaning:

Definitions.

“Writ of execution” shall mean any writ of fieri facias, venditioni exponas, levari facias, or any other writ or form of execution for the sale of any dwelling, and the land appurtenant thereto, or any farm, where such dwelling or farm shall be occupied by an owner thereof as his or her residence, or any proceeding for the sale of real property, as herein defined, for failure to pay taxes.

“Real property” shall mean any dwelling, together with the land appurtenant thereto, and any farm occupied by an owner of such dwelling or farm as a residence.

Courts of common pleas authorized to stay writs of execution.

Section 2. Every court of common pleas of this Commonwealth shall have authority, under the conditions hereinafter set forth, to stay any writ of execution from time to time and for such periods as the court, in its discretion, may deem proper. Such stays shall be allowed only upon application of an owner, lienholder, or any other person in interest, and, unless the plaintiff consent thereto, only upon the applicant's showing to the court such facts as the court may deem sufficient to warrant such relief. In granting any such stay or continuance, the court may impose such condition as it deems proper as to payment of costs, taxes, accruing interest, repairs, advertising and notice of sale, insurance, and any other pertinent matters.

Application for stay.

Court may impose conditions.

Equity power.

Section 3. In exercising the powers conferred by this act, a court shall have the discretion of a chancellor sitting in equity. It shall be a sufficient reason for the grant of a stay hereunder that immediate execution sale against the real property would work serious inequity

Reason for stay.

by reason of the economic emergency hereinabove referred to.

Section 4. The stay of any execution under this act shall continue the return day of the writ of execution to the first regular return day for such writs which shall occur after a sale held under such writ. In the meantime the writ shall remain in full force and effect and sale may be made thereunder without the issuance of an alias or any other writ.

Stay to continue return day.

Writ to remain in effect.

Section 5. The powers herein conferred on courts of common pleas shall be in addition to all powers now possessed by such courts to stay and otherwise control writs of execution against real property, as herein defined.

Additional power.

Section 6. This act shall become effective immediately upon final passage by the Legislature and approval by the Governor, and shall continue in force only until the thirty-first day of March, one thousand nine hundred and thirty-five.

When effective.

Section 7. All acts and parts of acts inconsistent herewith are suspended while this act is in effect.

Suspension of inconsistent acts.

APPROVED—The 18th day of May, A. D. 1933.

GIFFORD PINCHOT

No. 138

AN ACT

To amend the first "Whereas" clause, the first paragraph of article one, clause (d) of article two, article nine, and article ten of section one, and section two as amended, of the act, approved the twenty-fifth day of June, one thousand nine hundred and thirty-one (Pamphlet Laws, one thousand three hundred fifty-two), entitled "An act providing for joint action by the Commonwealth of Pennsylvania and the State of New Jersey in the administration, operation, and maintenance of bridges over the Delaware River, and for the construction of additional bridge facilities across said river; authorizing the Governor, for these purposes, to enter into an agreement with the State of New Jersey; creating a Delaware River Joint Toll Bridge Commission and specifying the powers and duties thereof, including the power to finance the construction of additional bridges by the issuance of revenue bonds to be redeemed from revenues derived from tolls collected at such bridges; transferring to said commission all powers now exercised by existing commission created to acquire toll bridges over the Delaware River; and making an appropriation," by providing for the appointment of an engineer by the commission; authorizing the commission to proceed with the construction of new bridges without the prior authorization of the legislatures of such States if such legislatures or either of them are not in session; and providing for the repayment to the Commonwealth of appropriation herein made.

Section 1. Be it enacted, &c.. That the first "Whereas" clause, the first paragraph of article one, clause (d) of article two, article nine, and article ten of section

Delaware River.