

IN RE: SHERIFF'S SALE OF
APRIL 9, 2020

: IN THE COURT OF COMMON PLEAS OF
: BERKS COUNTY, PENNSYLVANIA
: CIVIL ACTION – LAW
:
: NO: 20-3406

ORDER

AND NOW, this *19th* day of *May*, 2020, upon consideration of the Sheriff of Berks County, Eric J. Weaknecht's Emergency Petition for Omnibus Continuance, it is hereby **ORDERED** and **DECREED**, as follows:

1. The Sheriff's sale scheduled for Friday, June 5, 2020, including but not limited to the properties originally scheduled for sale on April 9, 2020 and May 8, 2020, shall be continued and held in the usual course on Friday, July 10, 2020 at 10:00 a.m. in the 2nd Floor Auditorium of the Berks County Services Center in conjunction with the regularly scheduled June Sheriff's sale.

2. Notice of such continued sale shall be provided by the Sheriff as follows:

a. Corrective advertisement via one-time special announcement in the Reading Eagle on or before Thursday, June 4, 2020 and the Berks County Law Journal if time permits;

b. Sheriff's personnel shall post written notice of the continued sale date of Friday, July 10, 2020 at the 2nd Floor Auditorium of the Berks County Services Center and on the Sheriff's website; and

c. No oral public announcement of the continued sale date of Friday, July 10, 2020 shall be required of the Sheriff's Office at the Friday, June 5, 2020 sale.

3. All postponed sales to take place at the sale of Friday, July 10, 2020, including but not limited to the properties originally scheduled for sale on April 9, 2020, May 8, 2020 and

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Berks County Prothonotary Office



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June 5, 2020, shall be considered without defect and properly held pursuant to Pa.R.C.P. 3129.1 *et seq.*

4. The Sheriff's office shall record a copy of this Order continuing the Friday, June 5, 2020 Sheriff's sale to Friday, July 10, 2020 in the Berks County Office of the Recorder of Deeds and lodge the same with the Berks County Office of the Prothonotary at the respective docket numbers associated with each property scheduled for sale at the Friday, June 5, 2020 Sheriff's sale, including but not limited to the properties originally scheduled for sale on April 9, 2020 and May 8, 2020 sale.

BY THE COURT

J.

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BERKS COUNTY, PA

**MOGEL, SPEIDEL, BOBB & KERSHNER
A PROFESSIONAL CORPORATION**

By: Frederick R. Mogel, Esquire
Identification No. 32214
By: Jesse A. Kammerdeiner, Esquire
Identification No. 306869
520 Walnut Street
Reading, Pennsylvania 19601
(610) 376-1515
Attorneys for: Petitioner

**IN RE: SHERIFF'S SALE OF
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EMERGENCY PETITION FOR OMNIBUS CONTINUANCE

AND NOW COMES the Sheriff of Berks County, Eric J. Weaknecht, by and through his solicitor, Frederick R. Mogel, Esquire, Jesse A. Kammerdeiner and Mogel, Speidel, Bobb & Kershner, P.C., and files the within Emergency Petition for Omnibus Continuance, and in support thereof avers as follows:

1. Petitioner is the Sheriff of Berks County, Eric J. Weaknecht ("Sheriff").
2. On or about March 12, 2020, the County of Berks, Pennsylvania issued a

Declaration of Disaster Emergency as a result of the Centers for Disease Control and Prevention ("CDC") declaring the Coronavirus Disease-2019 ("COVID-19") a "public health emergency of international concern", the U.S. Department of Health and Human Services ("HHS") Secretary declaring that COVID-19 creates a public health emergency and the World Health Organization declaring COVID-19 a pandemic ("COVID-19 Pandemic").

3. On March 19, 2020 and April 23, 2020, at Petitioner's request, this Honorable Court entered Orders for Omnibus Continuances of the Sheriff's sales schedule for April 9, 2020 and May 8, 2020.

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Motion/Petition for Continuance 20-3406

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4. On or about April 1, 2020, the Governor of the Commonwealth of Pennsylvania issued a Stay-at-Home Order for the entire Commonwealth that has been extended through at least June 4, 2020 (“Stay-at-Home Order”).

5. As a result of the COVID-19 Pandemic and in order to promote the safety and welfare of the public, the Sheriff believes, and therefore avers, all properties scheduled for sale at the Sheriff’s sale on Friday, June 5, 2020, including but not limited to the properties originally scheduled for sale on April 9, 2020 and May 8, 2020 but continued to the Friday, June 5, 2020 sale, should be rescheduled to the next regularly scheduled sale on Friday, July 10, 2020.

6. Pursuant to Pa.R.C.P. 3121(b)(2), this Honorable Court has the power to stay an execution based on any legal or equitable ground.¹

7. The Sheriff believes, and therefore avers, proceeding with the Friday, June 5, 2020 sale will not only jeopardize the health and safety of the public but will be inequitable to the creditors and debtors associated with the properties being sold because the COVID-19 Pandemic will likely result in an abnormally low public attendance which will result in artificially low bids.

8. This Honorable Court has the inherent equitable power to stay, continue and postpone individual sales by public announcement pursuant to Pa.R.C.P. 3129.3 and, therefore, this Honorable Court has the power to continue all sales.

9. Pa.R.C.P. 3121(c) permits this Honorable Court to impose such terms and conditions or limit the stay such reasonable time as this Honorable Court may deem appropriate.²

¹ Pa.R.C.P. 3121(b)(2) states, “Execution may be stayed by the court as to all or any part of the property of the defendant upon its own motion or application of any party in interest showing . . . any other legal or equitable ground therefor.”

² Pa.R.C.P. 3121(c) states, “In an order staying execution the court may impose such terms and conditions or limit the stay to such reasonable time as it may deem appropriate.”

WHEREFORE, the Sheriff of Berks County, Eric J. Weaknecht, requests this Honorable Court to enter an Order whereby:

A. the Sheriff's sale scheduled for Friday, June 5, 2020, including but not limited to the properties originally scheduled for sale on April 9, 2020 and May 8, 2020, shall be continued and held in the usual course on Friday, July 10, 2020 at 10:00 a.m. in the 2nd Floor Auditorium of the Berks County Services Center and notice of such sale shall be provided by the Sheriff as follows:

(1) Corrective advertisement via one-time special announcement in the Reading Eagle on or before Thursday, June 4, 2020 and the Berks County Law Journal, if time permits;

(2) Sheriff's personnel shall post written notice of the continued sale date of Friday, July 10, 2020 at the 2nd Floor Auditorium of the Berks County Services Center and on the Sheriff's website; and

(3) No oral public announcement of the continued sale date of Friday, July 10, 2020 shall be required of the Sheriff's Office at the Friday, June 5, 2020 sale.

B. All postponed sales, including but not limited to the properties originally scheduled for sale on April 9, 2020, May 8, 2020 and June 5, 2020, to take place at the sale of Friday, July 10, 2020 shall be considered without defect and properly held pursuant to Pa.R.C.P. 3129.1 *et seq.*

C. A copy of this Honorable Court's Order continuing the Friday, June 5, 2020 Sheriff's sale to Friday, July 10, 2020 shall be recorded in the Berks County Office of the Recorder of Deeds and lodged with the Berks County Office of the Prothonotary for the respective docket numbers associated with each property scheduled for sale at the Friday, June 5,

2020 Sheriff's sale, including but not limited to the properties originally scheduled for sale on April 9, 2020 and May 8, 2020.

**MOGEL, SPEIDEL, BOBB &
KERSHNER**

By: 

Frederick R. Mogel, Esquire

Attorney ID No. 32214

Jesse A. Kammerdeiner, Esquire

Attorney ID No. 306869

520 Walnut Street

Reading, PA 19601

(610) 376-1515

Attorneys for Petitioner

VERIFICATION

I, the Sheriff of Berks County, Eric J. Weaknecht, hereby verify that I am the Petitioner in the within action, and that the averments made in the within Emergency Petition for Omnibus Continuance are true and correct to the best of my knowledge, information and belief. I understand that false statements herein made are subject to the penalties of 18 Pa.C.S.A. § 4904, relating to unsworn falsification to authorities.

Dated: 5/13/2020


Eric J. Weaknecht, Sheriff of Berks
County