

LEGISLATURE OF PENNSYLVANIA.

FILE OF THE HOUSE OF REPRESENTATIVES.

No. **764** Session of
1919.

INTRODUCED BY MR. STERLING, MARCH 4, 1919.

REFERRED TO COMMITTEE ON JUDICIARY GENERAL,
MARCH 5, 1919.

AN ACT

Abolishing the inquest to condemn real estate providing for sale thereof upon the writ of fieri facias except in certain cases in which the debtor claims an exemption out of real estate and certain cases in which an officer levies upon real estate lying in one or more adjoining tracts in different counties saving the right of lien creditors to procure the appointment of sequestrators when life estates are levied upon and repealing all acts and parts of acts inconsistent with the provisions thereof

1 Section 1 *Be it enacted by the Senate and House of Repre-*
2 *sentatives of the Commonwealth of Pennsylvania in General Assembly*
3 *met and it is hereby enacted by the authority of the same That*
4 *whenever an officer shall under a writ of fieri facias*
5 *levy upon any interest in real estate he shall not as*
6 *heretofore summon an inquest to determine whether the*
7 *rents and profits beyond all reprises will be sufficient to*

1 satisfy within seven years the judgment on which such
2 execution was issued with the interest and costs of suit
3 but shall save in the cases specified in sections two and
4 three hereof after giving the notice provided by law forth-
5 with sell the same upon the writ of fieri facias on or
6 before the return day thereof or within six days there-
7 after without any other writ Provided That when an
8 estate for life in improved lands or tenements yielding
9 rents issues or profits shall have been levied upon a
10 lien creditor may as heretofore procure the appointment of
11 a sequestrator on or before the return day of the first
12 writ of fieri facias whereon a sale shall be advertised

13 Section 2 Whenever after a levy as aforesaid the
14 defendant in the execution shall elect to retain real
15 estate amounting in value to the whole sum of three
16 hundred dollars or any less sum and the appraisers ap-
17 pointed according to law shall set apart sufficient value
18 to answer the requirements of the defedant the said of-
19 ficer shall sell the real estate remaining after the said
20 portion thereof shall have been so set apart only upon
21 a writ of venditioni exponas

22 Section 3 Whenever after a levy as aforesaid upon
23 real estate lying in one or more adjoining tracts in
24 different counties the inquest summoned according to law
25 shall determine that real estate lying in an adjoining
26 county or counties ought to be sold, with the part taken
27 in execution the said officer shall sell the said real
28 estate so taken in execution together with the other real

1 estate described in the inquisition only upon a writ of
2 venditioni exponas

3 Section 4 The following acts and parts of acts and
4 all other acts and parts of acts inconsistent herewith are
5 hereby repealed The act approved the sixth day of March
6 one thousand eight hundred and twenty (Pamphlet Laws
7 fifty) entitled "A supplement to the act entitled 'An act
8 for taking lands in execution for payment of debts'"

9 Sections forty-four forty-five forty-six forty-seven forty-
10 eight forty-nine fifty fifty-one fifty-eight fifty-nine sixty and
11 sixty-one of the act approved June sixteenth one thousand
12 eight hundred and thirty-six (Pamphlet Laws seven hundred
13 and fifty-five) entitled "An act relating to executions"

14 Sections two three and four of the act approved the
15 thirteenth day of October one thousand eight hundred and
16 forty (Pamphlet Laws one) entitled "An act relating to
17 Orphans' Courts and for other purposes"

18 The act approved the tenth day of February one
19 thousand eight hundred and forty-six (Pamphlet Laws
20 thirty-seven) entitled "An act relating to notices in case
21 of extended real estate"

22 Section four of the act approved the twenty-fourth day
23 of January one thousand eight hundred and forty-nine
24 (Pamphlet Laws six hundred and seventy-seven) entitled
25 "An act relating to judgments and the acknowledgment of
26 deeds and sequestration of life estates and relatives to
27 the high constable of the borough of Wilkes-Barre"

28 Section three of the act approved the fourth day of
29 May one thousand eight hundred and fifty-two (Pamphlet

1 Laws five hundred and sixty-nine) entitled "An act in
 2 reference to Clifton Street in the county of Philadelphia
 3 relative to a certain wharf in Southwark Philadelphia
 4 county to inquisition on real estate to Wallace township
 5 Chester county to the borough of Danville in Columbia
 6 county, authorizing the canal board to examine the claim
 7 of David Lee for damages relative to limitation of actions
 8 incorporating the Lock Haven and Flemington plank road
 9 company relative to the Hand-in-Hand Fire Company to
 10 Penn's Treaty ground in the district of Kensington to the
 11 Watchman's beneficial society to the Western Hospital to
 12 action in partition to an election district in Lancaster
 13 county authorizing the Female Medical College of Phila-
 14 delphia to make a loan—relative to Mifflinburg bridge
 15 company authorizing St. Mary's Roman Catholic Society of
 16 Philadelphia to extinguish certain rent charge and relative
 17 to Johnstown State road"

18 The act approved the tenth day of May one thou-
 19 sand eight hundred and eighty-one (Pamphlet Laws thir-
 20 teen) entitled "A supplement to an act entitled 'An act
 21 relating to executions' approved the sixteenth day of June
 22 one thousand eight hundred and thirty-six amending and
 23 extending the second section of an act entitled "A sup-
 24 plement to an act relating to executions approved the
 25 sixteenth day of June one thousand eight hundred and
 26 thirty-six providing for the return of writs of fieri facias
 27 issued within seven days of the next succeeding term of
 28 court fixing the number of jurors on inquest upon real
 29 estate levied by virtue of writs of fieri facias'"

1 The act approved the fourth day of June one thou-
2 sand nine hundred and one (Pamphlet Laws four hundred
3 and twenty-six) entitled "An act to amend the last proviso
4 of section four of an act passed the twenty-fourth day
5 of January one thousand eight hundred and forty-nine en-
6 titled 'An act relating to judgments and the acknowled-
7 ment of deeds and the sequestration of life estates' which
8 proviso reads as follows 'And provided also that no such
9 writ shall be issued unless by the direction of the
10 proper court and on the application of any lien creditor
11 for a writ of venditioni exponas the tenant for life
12 shall have at least ten days notice of the application
13 of such writ'"

14 Section 5 This act shall take effect on the first
15 day of January one thousand nine hundred and twenty
16 and shall apply only to cases in which the aforesaid
17 writs of fieri facias shall be issued on or after that day