

**CHAPTER 2980. STATUTORY ACTION TO CONFORM
CONFESED JUDGMENT**

Rule	
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Official Note: These Rules were initially distributed to the bench and bar as Recommendation No. 39 with an elaborate explanatory note published in the Pennsylvania Bulletin of May 24, 1975, Vol. 5 No. 22. The comments received were uniformly favorable. No substantive changes were made in the final text which has been promulgated by the Supreme Court.

Simultaneously, the Committee has promulgated a Committee Order amending the Committee Note to Rule 1147. This suggests that the complaint in actions of mortgage foreclosure should set forth an affirmative compliance with the provisions of § 403 of Act No. 6.

Rule 2981. Definitions. Conformity to Civil Action.

(a) As used in this chapter

“Act” means Act No. 6 of 1974, approved January 30, 1974, 41 P. S. § 101 et seq. or Act No. 7, approved October 28, 1966 (Special Session No. 1), as amended by the Act of March 25, 1982, No. 68, 69 P. S. § 1101 et seq.

Official Note: Act No. 6 is known as the Loan Interest and Protection Law. Act No. 7 is known as the Goods and Services Installment Sales Act.

“Action” means an action required by the Act as a prerequisite to the issuance of execution upon certain judgments entered by confession. It shall not include an action of mortgage foreclosure.

Official Note: The action is required by section 407 of the Act No. 6 of 1974, 41 P. S. § 407, and by section 605 of Act No. 7 of 1966 (Special Session No. 1), as amended, 69 P. S. § 1605.

(b) Except as otherwise provided in this chapter, the procedure shall be in accordance with the rules relating to a civil action.

Source

The provisions of this Rule 2981 amended through April 23, 1985, effective July 1, 1985, 15 Pa.B. 1728. Immediately preceding text appears at serial page (87353).

Rule 2982. Venue.

(a) The action required by Act No. 6 of 1974 shall be commenced only in the county in which the confessed judgment, whether entered originally or by transfer, constitutes a lien upon residential real estate of the defendant.

(b) The action required by Act No. 7 of 1966 (Special Session No. 1) shall be commenced in the county in which the contract was in fact signed by the buyer, in the county in which the buyer resided at the time the contract was entered into, in the county in which the buyer resides at the commencement of the action, or in the county in which the goods purchased pursuant to such contract have been so affixed to real property as to become a part of such real property.

Source

The provisions of this Rule 2982 amended April 23, 1985, effective July 1, 1985, 15 Pa.B. 1728. Immediately preceding text appears at serial page (87353).

Rule 2983. Commencement of Action.

The action shall be commenced by filing a complaint with the prothonotary.

Rule 2984. Complaint.

The complaint shall include:

- (1) the names of the parties to the confessed judgment which is the subject matter of the action and the court and number, and the date and amount thereof;
- (2) a copy of the notice required by the Act and the date it was sent;

Official Note: The notice required by section 403 of Act No. 6 of 1974, 41 P. S. § 403, or by section 1102 of Act No. 7 of 1966 (Special Session No. 1), 69 P. S. § 2102, replaces the notice required under Rule 2958.

- (3) an itemization of the amount claimed to be due;
- (4) a demand for the judgement required by the Act.

Official Note: See section 407 of Act No. 6 of 1974, 41 P. S. § 407, and section 605 of Act No. 7 of 1966 (Special Session No. 1), 69 P. S. § 1605.

Source

The provisions of this Rule 2984 amended April 23, 1985, effective July 1, 1985, 15 Pa.B. 1728; amended April 12, 1999, effective July 1, 1999, 29 Pa.B. 2274. Immediately preceding text appears at serial page (213382).

Rule 2985. [Rescinded].

Official Note: For service of original process, see Rule 400 et seq.

Source

The provisions of this Rule 2985 rescinded June 20, 1985, effective January 1, 1986, 15 Pa.B. 2452. Immediately preceding text appears at serial page (98203).

Rule 2986. Judgment. Conforming the Confessed Judgment.

(a) Judgment shall be entered in the action for the amount, if any, due the plaintiff from the defendant or the amount, if any, due the defendant from the plaintiff. That judgment shall merge with the confessed judgment. The court shall enter an appropriate order conforming the confessed judgment to the judgment in the action.

Official Note: Under Rule 214(g) trial of the action may be advanced by the court for good cause.

Once the judgment is conformed, it is enforced in the same manner as other money judgments pursuant to Rule 3101 et seq. Notice under Rule 2956.1(c) is not required when a confessed judgment has been conformed pursuant to this rule.

(b) If the confessed judgment was entered in any county other than the county in which the action was brought, no execution may issue on the confessed judgment in that other county until after a certified copy of the order conforming the confessed judgment has been filed therein.

This Order is effective January 2, 1976.

Source

The provisions of this Rule 2986 amended April 1, 1996, effective July 1, 1996, 26 Pa.B. 1806. Immediately preceding text appears at serial page (146753).

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