

## Personal Property Execution FAQ

### **What items or documents are required?**

In order for our Office to process a Personal Property Execution you will need to provide the following:

- 1) A Writ of Execution from the Court of Common Pleas **OR** an Order of Execution issued by a Monroe County District Court (this is **NOT** your Notice of Judgment/Transcript – you will need to go back to the District Court and request the Order of Execution **AFTER** the appeal period has passed).
- 2) Two (2) Monroe County Sheriff's Service Request Forms. These are available on our website at: [monroecountypa.gov/judicial](http://monroecountypa.gov/judicial) then "Sheriff". They must be completed and signed.
- 3) A \$500.00 deposit. This must be paid in the form of cash, money order or Attorney Check made payable to the Sheriff of Monroe County. This is only a deposit. If our costs are less, the balance will be refunded to you. Should our costs exceed the deposit, whether we've recovered monies on your behalf or not, you will be billed for the remainder.

Once these items are received your paperwork will be processed. Our office has 90 days (Court of Common Pleas Writs) or 60 days (District Court Orders of Execution) in which to serve the paperwork. Our deputies will make every effort to complete a levy (inventory) of the defendant's personal belongings at the time of service. However, the defendant or person in charge of the residence can refuse entry. If that occurs, our deputies will continue attempts to complete the inventory at a later date.

### **How long does a Personal Property Execution take?**

Personal Property executions can take a long time to complete. Other than the initial service times stated above there are no specific time frames. Our deputies schedule work around required Court Schedules and Prisoner Transports. Their schedules vary daily based on those requirements. Our office is open 8:00am to 5:00pm Monday through Friday. Many people we are attempting to serve are not home during these hours so it may take numerous attempts to make contact with the defendant.

### **Will my monies definitely be recovered?**

There are **NO** guarantees that we will recover your monies. Some examples of why this might happen are the defendant may file bankruptcy or move out of County. If a levy is completed, a third party may file a claim that the items inventoried belong to them, not the defendant. This is especially common in marital situations where the judgment is only entered against either the husband or the wife. Our office **WILL ONLY** accept payment of the judgment in full, including Sheriff's costs. No payment arrangements will be accepted at our office. If the defendant requests a payment arrangement, we will direct them to you or your attorney. It is your decision whether or not to agree to a payment plan. If you accept any

payments or make a payment agreement, the file in our office will be closed upon notification by you, the plaintiff or your attorney.

### **What happens if they don't pay?**

If the defendant does not or is unable to pay the judgment in full, our deputies will complete an inventory of their personal belongings. Personal belongings include items such as furniture, televisions, appliances, etc. This process can take several weeks or months depending on the availability of our deputies and the defendant or property owner. If no one is home, we can not complete an inventory. Once an inventory is completed, you will receive a copy of the inventory via mail. A Sheriff Sale will be scheduled for the next available sale date. Notices for the sale will be mailed to you approximately 20 days prior to the sale.

### **Will I get the money from the Sheriff Sale?**

In almost all cases there is no bidding at the Personal Property Sheriff Sales. These sales are not advertised in any publications. If the property is presented for Sheriff Sale it is likely that you, as the plaintiff, would be the winning party at the auction. Bidding starts at Sheriff's costs, which is money that you as the plaintiff have already paid. The actual items will **NOT** be available at the sale. They are sold sight unseen from the list provided to you prior to the sale. (See attached Conditions of Sale)

### **If I'm the successful bidder can I take my items with me that day?**

No. As previously stated, the actual items are not available at the sale. If you are the successful bidder, you will be mailed a Bill of Sale. It is **YOUR** responsibility to make arrangements to pick up the items from the defendant. The Sheriff does **NOT** assist with the retrieval of items unless ordered to do so by the Courts. If you feel that you need assistance, you can contact a State Constable.

### **What if I pick up the items I win, sell them and the amount doesn't cover the judgment?**

You would need to speak to an attorney to find out what your rights are.

### **What if the defendant refuses to relinquish the items I won at Sheriff's Sale?**

You may need to contact the Police Department that covers the area where the items are located and show proof of ownership.