

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

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SHERIFF'S OFFICE
BERKS COUNTY, PENNSYLVANIA

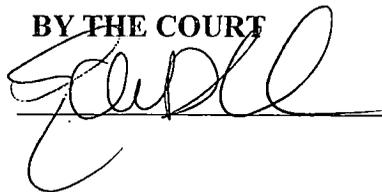
ORDER

AND NOW, this 25th day of September 2020, upon consideration of the Sheriff of Berks County, Eric J. Weaknecht's Emergency Petition for Limited Attendance, it is hereby **ORDERED** and **DECREED**, as follows:

1. The attendees at the sales scheduled for October 9, 2020; November 6, 2020; and December 11, 2020 shall be restricted to the first fifty-five (55) individuals who register on the Sheriff's Office's website on or before 5:00 p.m. two (2) days before the respective sales;
2. Any prospective attendee without computer access wishing to register to attend the sales October 9, 2020; November 6, 2020; and December 11, 2020 shall contact the Sheriff's Office of Berks County, Pennsylvania in person or by telephone to have the Sheriff's Office register on behalf of such prospective attendee;
3. The Sheriff's Office shall publish a copy of this Order regarding the sales of October 9, 2020; November 6, 2020; and December 11, 2020 as follows:
 - A. publication at least one (1) time each in the Reading Eagle and the Berks County Law Journal prior to the sales scheduled for October 9, 2020; November 6, 2020; and December 11, 2020;
 - B. the Sheriff's Office's Facebook page;
 - C. the Sheriff's Office's website; and
 - D. the Sheriff's Office's mobile application via push notifications.

4. All postponed sales to take place at the sales of October 9, 2020; November 6, 2020; and December 11, 2020, shall be considered without defect and properly held pursuant to Pa.R.C.P. 3129.1 et seq.; and

5. The Sheriff's office shall record a copy of this Order 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 sales of October 9, 2020; November 6, 2020; and December 11, 2020.

BY THE COURT

_____, J.

prohibition on indoor events and gatherings of more than twenty-five (25) persons does not apply to judiciary or court functions.^{1,2}

5. Sheriff's sales in Berks County are typically conducted in the auditorium located on the second floor of the Berks County Courthouse, 633 Court Street, Reading, Pennsylvania 19601 ("Auditorium").

6. The Auditorium has a maximum seating capacity of two hundred twenty (220) persons ("Maximum Seating Capacity").

7. On September 3, 2020, this Honorable Court entered an Order limiting attendance to the September 11, 2020 Sheriff's Sale to fifty-five (55) attendees, plus necessary Sheriff's Office staff to conduct the sale.

8. The Sheriff believes, and therefore avers, proceeding with the October 9, 2020; November 6, 2020; and December 11, 2020 sales at Maximum Seating Capacity will jeopardize the health and safety of the public and, therefore, the Sheriff desires to limit attendance at the sale to twenty-five percent (25.0%) of the Maximum Seating Capacity, which is fifty-five (55) attendees, plus necessary Sheriff's Office staff to conduct the sale.

9. Although the Sheriff proposes to limit attendance at the sales of October 9, 2020; November 6, 2020; and December 11, 2020, those attending ("Attendees") will be required to register ("Registration") on or before 5:00 p.m. two (2) days prior to the date of the respective sales ("Registration Deadline").

10. Attendees shall be required to comply with all CDC and Pennsylvania Department of Health ("Department of Health") regulations and requirements, including without limitation wearing face masks and social distancing.

¹ See FAQ from Pennsylvania Department of Health regarding Governor Wolf's Targeted Mitigation Order.

² The Order also required certain venues to limit occupancy to twenty-five percent (25.0%) of stated fire code maximum occupancy; however, the Order does not place such restrictions on judiciary or court functions.

11. Registration will only be permitted via a web-link located on the Sheriff's Office's website.

12. Prospective Attendees without computer access may contact the Sheriff's Office in person or by phone prior to the Registration Deadline to have the Sheriff register on behalf of such prospective Attendees.

13. The Sheriff's Office shall publicize the additional restrictions regarding Registration and the Registration Deadline as follows:

A. publication at least one (1) time each in the Reading Eagle and the Berks County Law Journal prior to the sales scheduled for October 9, 2020; November 6, 2020; and December 11, 2020;

B. the Sheriff's Office's Facebook page;

C. the Sheriff's Office's website; and

D. the Sheriff's Office's mobile application via push notifications.

14. This Honorable Court has the inherent equitable power to limit attendance at the Sheriff's Sale pursuant to Pa.R.C.P. 126 and the Judicial Code, 42 Pa.C.S.A. § 323.³

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

³ Pa.R.C.P. 126 states, "The rules shall be liberally construed to secure the just, speedy and inexpensive determination of every action or proceeding to which they are applicable. The court at every stage of any such action or proceeding may disregard any error or defect of procedure which does not affect the substantial rights of the parties."

42 Pa.C.S.A. § 323 states, "Every court shall have power to issue, under its judicial seal, every lawful writ and process necessary or suitable for the exercise of its jurisdiction and for the enforcement of any order which it may make and all legal and equitable powers required for or incidental to the exercise of its jurisdiction, and, except as otherwise prescribed by general rules, every court shall have power to make such rules and orders of court as the interest of justice or the business of the court may require."

A. attendees at the sales scheduled for October 9, 2020; November 6, 2020; and December 11, 2020 shall be restricted to the first fifty-five (55) individuals who register on the Sheriff's Office's website on or before 5:00 p.m. two (2) days before the respective sales;

B. any prospective attendee without computer access wishing to register to attend the sales of October 9, 2020; November 6, 2020; and December 11, 2020 shall contact the Sheriff's Office of Berks County, Pennsylvania in person or by telephone to have the Sheriff's Office register on behalf of such prospective attendee;

C. the Sheriff's Office shall publicize the additional restrictions for the sales of October 9, 2020; November 6, 2020; and December 11, 2020 as follows:

(1) publication at least one (1) time each in the Reading Eagle and the Berks County Law Journal prior to the sales scheduled for October 9, 2020; November 6, 2020; and December 11, 2020;

(2) the Sheriff's Office's Facebook page;

(3) the Sheriff's Office's website; and

(4) the Sheriff's Office's mobile application via push

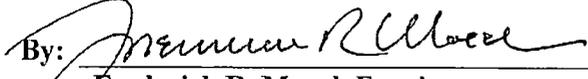
notifications.

D. All postponed sales to take place at the sales of October 9, 2020; November 6, 2020; and December 11, 2020, shall be considered without defect and properly held pursuant to Pa.R.C.P. 3129.1 *et seq.*

E. A copy of this Honorable Court's Order 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 October 9, 2020; November 6, 2020; and December 11, 2020 Sheriff's sales.

MOGEL, SPEIDEL, BOBB & KERSHNER

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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 Limited Attendance 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:

9/23/2020



Eric J. Weaknecht, Sheriff of Berks
County