

COMPLAINT IN EJECTMENT
PACKET

WHEN SHOULD I USE THIS PACKET?

You should only use this Complaint in Ejectment Packet if the Owner of the property where you live filed a Complaint in Ejectment against you in the Philadelphia Court of Common Pleas.

WHAT IS A COMPLAINT IN EJECTMENT?

A Complaint in Ejectment is the court process for an Owner of a property to have someone living in the property removed. It is sometimes used by banks that purchase a property at foreclosure or by an Owner who wants to remove a person from the property where they live. It is also sometimes used by landlords as an alternative to the Philadelphia Municipal Court Landlord/Tenant eviction process.

WHAT IS THE COURT PROCESS FOR A COMPLAINT IN EJECTMENT?

1. Owner files a Complaint in Ejectment in the Court of Common Pleas.
2. Occupant may file Preliminary Objections or Answer to Complaint in Ejectment and a Petition to Proceed In Forma Pauperis. If the Occupant is not listed as a defendant, they may need to file a Motion to Intervene first.
3. Court schedules and holds a Case Management Conference. The purpose of the Case Management Conference is to get all parties on the same page about how the case will proceed and ensure that everyone has met the court's deadlines. This is not a Trial.
4. Court schedules a Trial date.
5. Court holds Trial and issues a Finding.
6. Owner requests a Judgment and a Writ of Possession.
7. Court grants Writ of Possession.
8. Sheriff serves Writ of Possession on Occupant.
9. Sheriff evicts Occupant.

HOW DO I FILE AN ANSWER TO A COMPLAINT IN EJECTMENT?

1. **Be sure to file on time.**
 - You have **20 calendar days** to file an Answer from the date you were served the Complaint in Ejectment.
 - If you do not file an Answer in 20 calendar days, the Owner may send you a **10-day notice**.
 - If you do not file an Answer after 10 additional days, then the Owner may proceed with Step 6 above.
 - **Note:** If you are not a named Defendant on the Complaint, then you may also have to file a Motion to Intervene.
2. **File Answer and IFP.**
 - **In Person**
 - Fill out the Answer Template below and file at City Hall Room 296.
 - If you are not a named Defendant on the Complaint, then you may also have to file a Motion to Intervene.
 - If you are low-income, you may file a Petition to Proceed In Forma Pauperis (IFP) to file your appeal for free.

- **Online**
 - Create a username at fjdefile.phila.gov.
 - Follow the prompts to file the Answer and IFP.
 - You can sign documents you are uploading by typing /s/ and your name.
 - You can email ojr_civil@courts.phila.gov for help filing online.
- **Phone**
 - Call 215-686-6652 or 215-686-6653 to schedule an appointment to file in person at City Hall Room 296 or get assistance filing online.

3. Serve the court papers.

- **You must serve the Owner by certified mail.**
 - Send the stamped court papers and IFP to the owner by certified mail, return receipt requested (approximately \$8). Fill out the Certificate of Service included with this packet and file the Certificate at City Hall Room 296 or online.

HOW DO I FILL OUT THE PAPERWORK IN THIS PACKET?

- **Fill in the gray boxes with the information requested.**
 - Copy the Plaintiff's name, the Defendant's name, the month of filing, the year of filing, and the case number from the Complaint in Ejectment you received.
 - If your name is not listed as a Defendant, then you must file a Motion to Intervene before you can file your Answer.
- **Admit or deny each numbered statement in the Owner's Complaint.** If you deny a statement, copy the entire statement and then write your own statement. For example:
 1. Admitted.
 2. Admitted.
 3. It is denied that "[copy statement #3 in the Owner's complaint]." It is averred that [write your own statement].
 4. It is denied that "[copy statement #4 in the Owner's complaint]". It is averred that [write your own statement].
 5. Admitted.
 6. It is denied that "[copy statement #6 in the Owner's complaint]". It is averred that [write your own statement].
- **Print the packet and sign your name in the yellow boxes above the word Defendant.**
- **Follow the instructions above for filing the Answer and serving the court papers on the Owner.**
- **If you are low-income, you may also file a Petition to Proceed In Forma Pauperis (IFP) to file your Answer for free.**

HOW DO I FILE PRELIMINARY OBJECTIONS?

Before you file an Answer, you can object to the filing itself. Any objections must be enumerated in Pa. R.C.P. 1028 and raised one at a time.

Possible Preliminary Objections include:

- Lack of jurisdiction, improper venue, or improper form or service of a complaint — 1028(a)(1)
- Failure of a pleading to conform to law or rule of court (e.g., failure to comply with Landlord Tenant Act) — 1028(a)(2)
- Pendency of a prior action or agreement for alternative dispute resolution (e.g., parties participating in Eviction Diversion Program) — 1028(a)(6)
- Failure to exercise or exhaust a statutory remedy (e.g., failure to apply for Eviction Diversion Program) — 1028(a)(7)

Plaintiff
vs.

Defendant

PHILADELPHIA COUNTY
COURT OF COMMON PLEAS
TRIAL DIVISION

_____ Term, 20__

No. _____

ANSWER TO COMPLAINT

Defendant

Date

VERIFICATION

I, _____, verify that the facts set forth in the foregoing document are true and correct to the best of my knowledge, information and belief. I understand that the statements in the foregoing pleading are made subject to the penalties of 18 PA C.S. § 4904 relating to unsworn falsification to authorities.

Defendant

Date

_____ :
 _____ :
 :
 Plaintiff :
 :
 vs. :
 :
 _____ :
 :
 Defendant :

PHILADELPHIA COUNTY
 COURT OF COMMON PLEAS
 TRIAL DIVISION

_____ Term, 20____
 No. _____

CERTIFICATION OF SERVICE

I, _____, hereby certify that I am this day serving by certified mail, return receipt requested, the foregoing Answer to Complaint upon the plaintiff or plaintiff's attorney of record, if any, as specified below.

Plaintiff: _____
 Plaintiff Address: _____

 Defendant

 Date