

Laser Fax

Modification 5
Modification 5.35
June 28, 2006

ASSIGNMENT OF JUDGMENT

Effective July 1, 2006, upon recommendation of the Minor Court Rules Committee, the Supreme Court of Pennsylvania adopted Rule 401.1 of the Rules of Conduct, Office Standards and Civil Procedure for Magisterial District Judges. As a result, changes have been made to the MDJS which include a new form, a new option, and an amended notice of judgment form.

An assignment of judgment takes place when a plaintiff formally transfers its legal rights in a judgment to another. It frequently occurs when an individual or business purchases civil judgments from plaintiffs who may be having difficulty enforcing the judgments. To avail themselves of enforcement procedures in an effort to collect the judgments, the purchasing individual or business (assignee) will request that the MDJS note the assignment on the docket and issue an amended notice of judgment showing the assignee as the real party in interest (i.e., in the place of the original plaintiff).

To begin the process, the real party in interest (assignee) must present the assignment of judgment on a new form, Notice of Assignment of Judgment (AOPC 314). The form will be available on the Print Blank Forms Menu and also on AOPC web site. The form is completed and signed by the original plaintiff (assignor) and it must be notarized.

When your court receives the form you will select the existing case followed by Option 12, Assignment of Judgment, from the Actions Menu. You will be prompted to select the plaintiff (assignor) by placing an "X" on the field next to the interested party's name. The Assignment of Judgment screen will appear. Type ASGN (Assignment of Judgment) in the Action Code field or select the code from a pop-up window by pressing F4.

Next, the Interested Party Entry screen will appear and display information about the original plaintiff. Record the new plaintiff's information (assignee) by typing the name and address over the prior plaintiff's data. (Although you are deleting the original plaintiff's information, it will be saved as a deactivated interested party and it will be retrieved and restored if assignment of judgment would later be canceled due to error)

Two copies of an amended Notice of Judgment will print. One copy is for the MDJ file and the other is for the new plaintiff. A new paragraph will print on the form:

"This amended notice of judgment reflects an assignment of the judgment from original plaintiff/assignor _____, to plaintiff/assignee _____ on _____."

(The MDJS will print the appropriate names and date in the blank fields.)

As reflected in the case title, the assignee will now become the plaintiff as defined in Rule 401 and the original plaintiff shall have no further rights with respect to the judgment. Please note that if the judgment has been entered in the Court of Common Pleas the Magisterial District Judge may not take any action pursuant to Rule 401.1.

If you have any questions with processing the action on the MDJS, please call the MDJS Help Desk.

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MDJS UNAVAILABLE

The Magisterial District Judge System (MDJS) will be unavailable on Friday, July 7 from 6:00 pm to 8:30 pm. Please have a sufficient supply of blank forms and manual receipts available if you anticipate doing case processing during this downtime.