

IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY, PENNSYLVANIA

IN RE: 32<sup>nd</sup> JUDICIAL DISTRICT : PA SUPREME COURT NO. 30 MM 2020  
September 17, 2020, Upset :  
Tax Sale Postponed<sup>1</sup> : DELAWARE COUNTY NO. 5120-17

**EMERGENCY ORDER POSTPONING THE SEPTEMBER 17, 2020,  
UPSET TAX SALE**

AND NOW, this 9<sup>th</sup> day of September, 2020, this court having previously declared in the 32<sup>nd</sup> judicial district (Delaware County) a judicial emergency and more recently once again extended that emergent declaration pursuant to such an order of the Pennsylvania Supreme Court sanctioning the same,<sup>2</sup> as well as Pa.R.J.A. No. 1952(B)(1)(2), and this court thus still having those authorities detailed under Pa.R.J.A. No. 1952(B)(2)(a-s), it is hereby **ORDERED** and **DECREED** per such an application of the Delaware County Tax Claim Bureau as follows:<sup>3</sup>

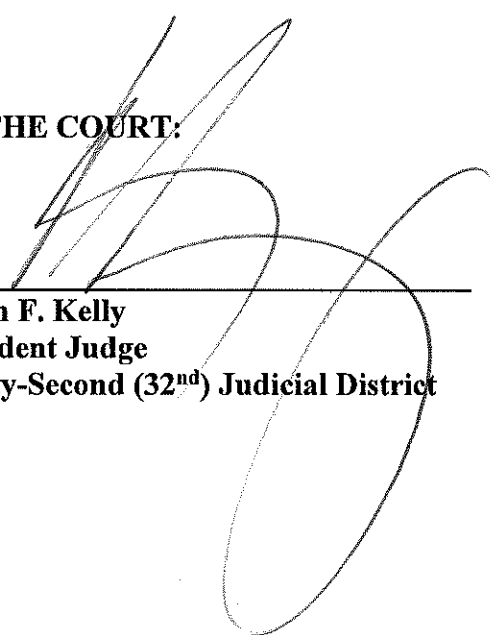
The upset tax sale past scheduled for September 17, 2020, at 9:00 a.m., in the county council meeting room of the Delaware County Government Center, Media, Pennsylvania, is **POSTPONED**<sup>4</sup> and reset for the continued upset tax sale scheduled on **December 17, 2020, at 9:00 a.m.**, in the county council meeting room of the Delaware County Government Center, Media, Pennsylvania, whether those properties were originally so listed and/or continued from such a prior sale date.

In accord with applicable real estate tax sale law, 72 Pa.S. §§5860.101-5860.803, and as this order otherwise directs, new and/or additional notice of the postponed upset tax sale of those real properties per that instructed above **SHALL NOT** be required.<sup>5</sup>

That directed above as subsequent material circumstances warrant and/or it otherwise believes appropriate may be revisited by this court and modified to meet the evolving concerns presented by the ongoing COVID-19 public health crisis.

To the extent possible and practical under the material circumstances, notice of this order has been and/or will promptly be posted about the Delaware County courthouse, including but not limited to the complex's entry doors, the Delaware County Office of Judicial Support, the Court Administrator's Office of Delaware County, the Criminal Court Administrator's Office, the court's website, all magisterial district court facilities within Delaware County, the Delaware County Bar Association's website, and submitted to the Administrative Office of Pennsylvania Courts ("AOPC") for posting on the Commonwealth's Unified Judicial System's website per Pa.R.J.A. No. 1952(C)(5).<sup>6</sup>

**BY THE COURT:**



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**Kevin F. Kelly**  
**President Judge**  
**Thirty-Second (32<sup>nd</sup>) Judicial District**

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<sup>1</sup> Although because of its annual scheduling's nature this court has not since the declaration of a judicial emergency (March 17, 2020) had occasion to consider whether an upset tax sale should be postponed, it has on numerous previous instances rescheduled various sheriff real estate sales. *See* Emergency Sheriff Sales Postponement Orders dated March 18, 2020; April 7, 2020; April 28, 2020; May 27, 2020; and June 18, 2020. *See also* Emergency Declaration dated March 17, 2020; Emergency Declaration Extension dated April 2, 2020; Second Emergency Declaration Extension dated April 28, 2020; Third Emergency Declaration Extension dated May 27, 2020; and Fourth Emergency Declaration Extension dated July 8, 2020. *See generally* Pa.R.J.A. No. 1952(B)(1)(2).

<sup>2</sup> *See* Orders dated March 16, 2020, pp. 1-2; March 18, 2020, pp. 1-3; April 1, 2020, pp. 1-3; April 28, 2020, pp. 2-5; and May 27, 2020, pp. 1-3 – Pennsylvania Supreme Court, Nos. 531 and 532, Judicial Administration Docket; Emergency Declaration dated March 17, 2020; Emergency Declaration Extension dated April 2, 2020; Second Emergency Declaration Extension dated April 28, 2020; Third Emergency Declaration Extension dated May 27, 2020; and Fourth Emergency Declaration Extension dated July 8, 2020. *See also* Pa.R.J.A. No. 1952(B)(1)(2).

<sup>3</sup> *See* Pa.R.J.A. No. 1952(B)(2)(d)(h)(i)(k)(l)(q); *Philadelphia Inquirer*, May 13, 2020, Section B, p. 1 (“Infections great at Delco Jail – Jail: Nearly half of inmates tested has virus”; infection rate 50 times that of population at large.”); May 16, 2020, Section A, pp. 1, 4 (“Over that past 14 days, Delaware County has on average 275 cases for each 100,000 residents ... significantly higher than the suburban counties surrounding it.”); May 19, 2020, Section A, pp. 1, 6 (“Virus Rate Remains Stubbornly High in Delaware County”); May 22, 2020, Section A, pp. 1, 9 (“Delaware County trails Philadelphia and the other counties in flattening the curve of new cases.”); July 2, 2020, Section A, pp. 1, 6 (“ ... Pa. reports biggest one-day increase since June 5. ... Cases ... June 1 ... July 1 ... Change ... +8%.”); July 8, 2020, Section A, pp. 1, 6 (Delaware County infection rate increases from 23 to 32 per 100,000 persons.); July 16, 2020, Section A, pp. 1, 6 (“New Pa. limits as cases rising ... After averaging about 400 new cases a day less than a month ago, this state is now averaging close to 800. Case counts have increased in 43 counties and the percentage of people testing positive has increased in 28 counties ... ”); July 20, 2020, Section A, pp. 1, 9 (Three (3) of the five (5) municipalities having the greatest number of Coronavirus cases per 10,000 residents within southeastern Pennsylvania are Delaware County communities.); July 22, 2020, Section A, p. 1 (“Pennsylvania is reporting an average of 871 cases per day, an increase of 120% from June 19, following a two-month decline.”); July 23, 2020, Section A, pp. 1, 9 (Delaware County’s seven (7) day average of newly reported cases has increased 220% since June 27, 2020.); July 29, 2020 Section A, pp. 1, 6 (Since June 27, 2020, the daily average of new cases has increased 379% growing from 16 to 75.); July 30, 2020, Section A, p. 6 (“Delco count rising fastest in area[.] ... The county has gone from an average of 15.7 new cases a day on June 27 to 78.3 new cases a day on Tuesday – an increase of 398% ... . ‘We are concerned with what we have seen from Delaware County,’ ... Nate Wardel, a spokesperson from the state Health Department, said ... ”); August 14, 2020, Section A, p. 1 (“ ... Pennsylvania Health Secretary ... cited ... Delaware Count[y] as [an] area[] in the state with high community spread of the coronavirus. ... Delaware County’s per capita rate of new cases now exceeds that of Philadelphia, Allegheny County, and the state as a whole.”); and August 20, 2020, Section A, pp. 1, 3 (“ ... Delaware County currently has the highest [COVID-19] rate [per 100,000 residents] in the region. ... ”).

<sup>4</sup> *See* Orders dated March 18, 2020, pp. 8-9; April 1, 2020, p. 9; April 28, 2020, pp. 4-5, 6-8, 12 – Pennsylvania Supreme Court, Nos. 531 and 532 Judicial Administration Docket.

<sup>5</sup> *See* 72 Pa.S. §601(a).

<sup>6</sup> *See* Orders dated March 16, 2020, p. 2; April 1, 2020, pp. 2-3; April 28, 2020, p. 3; and May 27, 2020 p. 2, Fn. 1 – Pennsylvania Supreme Court, Nos. 531 and 532, Judicial Administration Docket.