

THE PROTHONOTARY STAFF IS UNABLE TO ASSIST YOU IN COMPLETING THIS FORM

INSTRUCTIONS FOR FILING A NOTICE OF APPEAL FROM A MAGISTERIAL DISTRICT JUDGE

These instructions do not replace the PA Rules of Civil Procedure which govern the filing of MDJ Appeals.

1. Complete the Notice of Appeal form along with the State and Local Civil Cover Sheet.
(You are the Appellant)
All information needed is found on the MDJ judgment. The caption of the appeal case will remain the same as it appears on the MDJ judgment. (Plaintiff vs Defendant)
2. Make 3 copies of the appeal after it has been completed.
3. File the appeal (original plus 3 copies) in the Prothonotary Office with a copy of the Judgment from the Magisterial District Court. The filing fee to the Prothonotary Office is \$159.00. Acceptable methods of payment are Cash, Money Order, or Check. After filing the appeal, it is strongly recommended that an attorney be consulted for the remaining litigation of the appeal.
4. After the appeal is filed you will need to serve the copies of the appeal on the opposing parties. This will be the (Appellee) and the Magisterial District Court by personal service or certified mail.
5. You will then complete the Proof of Service form that was included with the appeal, make a copy for your records and file the original with the Prothonotary office within 10 days. If service has been made by certified mail, attach the white slips from the Post Office to the Proof of Service form. After you received the green cards you can bring them into the Prothonotary Office or mail them. Make sure your case no. is on the cards.

INSTRUCTIONS FOR FILING A NOTICE OF APPEAL FOR A LANDLORD TENANT ACTION

All of the steps above are the same, with the following exception:

To remain in the property and obtain a Supersedeas for the possession, a bond must be paid (in addition to the filing fee). The bond must be paid in cash or money order. There is an additional collection fee of \$6.50 for (processing fee) for the bond (rent). The collection fee (processing fee) is required each time the bond (rent) is paid into the Prothonotary Office. Please read the Supplemental Instructions for obtaining a Stay of Eviction.

Supreme Court of Pennsylvania Civil Procedure Rules Committee

Poverty Income Guidelines

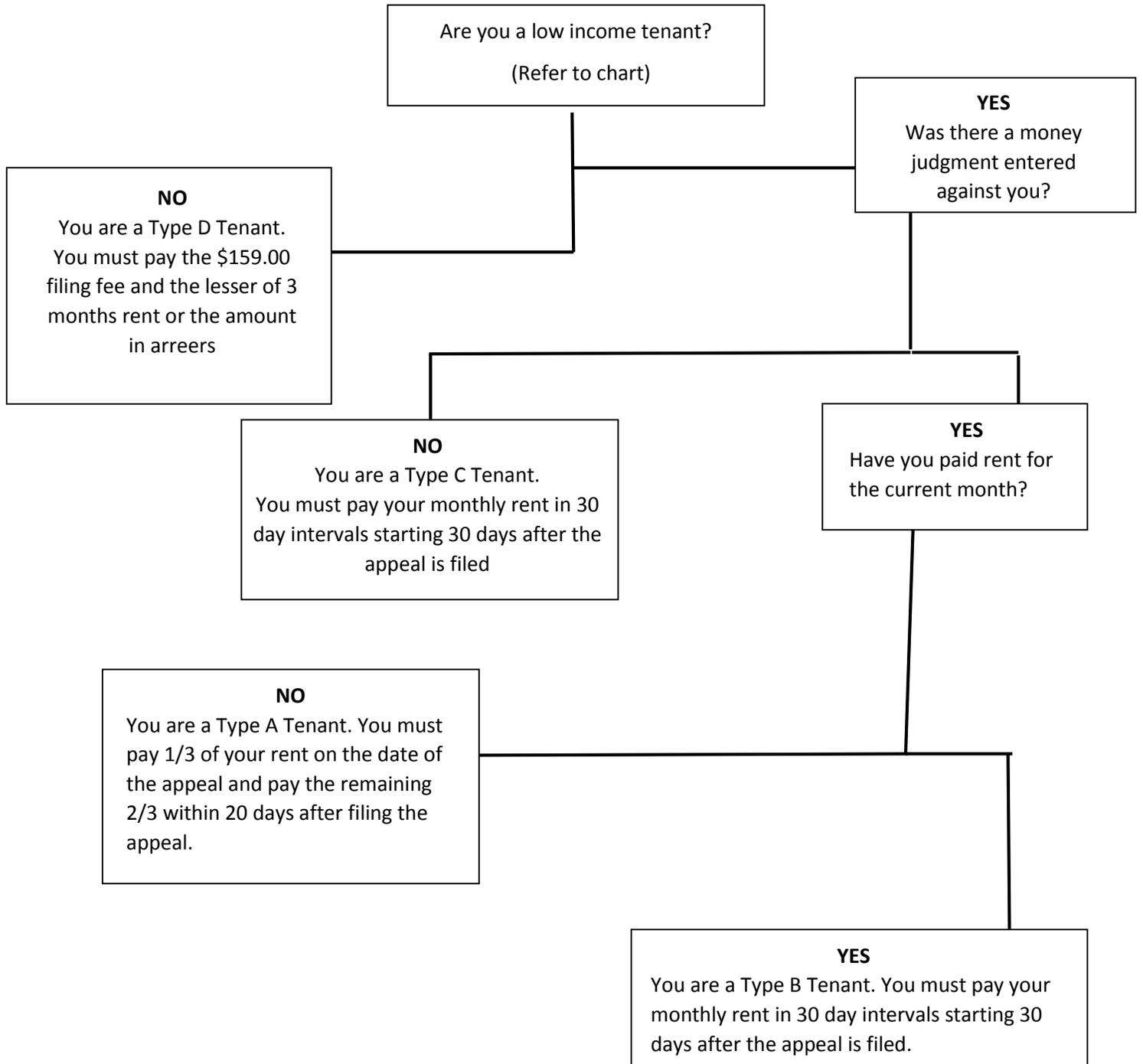
Pennsylvania Rule of Civil Procedure 3302(b) governs the attachment of wages, salary and commissions under Section 8127(a)(3.1) of the Judicial Code. The rule requires the Prothonotary to attach to the Notice of Intent to Attach Wages “the most recent poverty income guidelines issued by the Federal Department of Health and Human Services as they appear on the web site of the Civil Procedural Rules Committee.” The guidelines for 2015 are set forth in the following chart:

2015 HHS Poverty Income Guidelines Expressed in Monthly Amounts

Persons in Family / household	Poverty Guideline Monthly Amount
1	\$980.83
2	\$1,327.50
3	\$1,674.17
4	\$2,020.83
5	\$2,367.50
6	\$2,714.17
7	\$3,060.83
8	\$3,407.50

For each additional person,
add \$346.67

What Type of Tenant Are You?



Are you a low income tenant?
(Refer to chart)

NO
You are a Type D Tenant.
You must pay the \$159.00 filing fee and the lesser of 3 months rent or the amount in arrears

YES
Was there a money judgment entered against you?

NO
You are a Type C Tenant.
You must pay your monthly rent in 30 day intervals starting 30 days after the appeal is filed

YES
Have you paid rent for the current month?

NO
You are a Type A Tenant. You must pay 1/3 of your rent on the date of the appeal and pay the remaining 2/3 within 20 days after filing the appeal.

YES
You are a Type B Tenant. You must pay your monthly rent in 30 day intervals starting 30 days after the appeal is filed.

**IN THE COURT OF COMMON PLEAS OF LANCASTER COUNTY, PENNSYLVANIA CIVIL ACTION –
LAW**

VS

DOCKET NUMBER: _____

TENANT’S SUPERSEDEAS AFFIDAVIT (NON-SECTION 8)

I, _____ (print name and address here),

Have filed a notice of appeal from a magisterial district court judgment awarding to my landlord possession of real property that I occupy, and I do not have the financial ability to pay the lesser of three (3) times my monthly rent or the judgment for rent awarded by the magisterial district court.

My total household income does not exceed the income limits set forth in the supplemental instructions for obtaining a stay pending appeal and I have completed and in forma pauperis (IFP) affidavit to verify this.

I have/have not (cross out the one that does not apply) paid the rent this month.

I verify that the statements made in this affidavit are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. §4904, relating to unsworn falsification to authorities.

Date

SIGNATURE OF TENANT

**IN THE COURT OF COMMON PLEAS OF LANCASTER COUNTY, PENNSYLVANIA CIVIL ACTION –
LAW**

VS

DOCKET NUMBER: _____

SECTION 8 TENANT’S SUPERSEDEAS AFFIDAVIT

I, _____ (print name and address here),

have filed a notice of appeal from a magisterial district court judgment awarding my landlord possession of real property that I occupy, and I do not have the financial ability to pay the lessor of three (3) times my monthly rent or the actual rent in arrears. My total income does not exceed the income limits set forth in the supplemental instructions for obtaining a stay pending appeal and I have completed an in forma pauperis (IFP) affidavit to verify this. I have/have not (cross out the one that does not apply) paid the rent this month.

The total amount of monthly rent that I personally pay to the landlord is \$_____. I hereby certify that I am a participant in the Section 8 program and I am not subject to a final (i.e., non-appealable) decision of a court or government agency which terminates my right to receive Section 8 assistance based on my failure to comply with program rules.

I verify that the statements made in this affidavit are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties if 18 Pa.C.S. §4904, relating to unsworn falsification to authorities.

Date

SIGNATURE OF TENANT

SUPPLEMENTAL INSTRUCTIONS FOR OBTAINING A STAY OF EVICTION

*****IMPORTANT! PLEASE READ THESE INSTRUCTIONS CAREFULLY*****

This document contains important information about your case. Failure to comply with any instructions provided in these materials may cause you to be evicted before your appeal or writ is heard.

- 1) **FOR TENANTS – SUPERSEDEAS:** If you are a tenant and you filed the notice of appeal or Praecipe for writ of certiorari, you must pay money into an escrow account to remain in the property until your appeal or writ is decided. This is called a “supersedeas.” The supersedeas will suspend the magisterial district court judgment and will prevent your eviction until your case is heard by a judge and a final decision is made on the appeal or writ. If you fail to pay your monthly rent into escrow in full and on time, you could be evicted before your appeal or writ is heard.
 - a) Begin by looking at the income limits listed in the previous set of instructions.
 - b) If your income is below the income limits, complete a Tenant’s Affidavit, pursuant to Pa.R.C.P.M.D.J. No. 1008(c)(2). These affidavits are available on the website of the Administrative Office of Pennsylvania Courts (www.aopc.org). Then follow the instructions for low-income tenants below. There are several different options available; pick the Type (A, B, or C) that best describes your situation.
 - c) If your income is higher than the income limits attached to these instructions, follow the instructions for Type D.

- 2) **TYPE A** If you are a low income tenant and there was a money judgment entered against you for non-payment of rent, and you **HAVE NOT** paid rent for the month in which the notice of appeal or Praecipe for writ of certiorari is filed, you must:
 - a) File an in forma pauperis petition (a petition for low-income parties) pursuant to Pa.R.C.P. No. 240.
 - b) Pay one-third of your monthly rent into an escrow account with the Prothonotary’s office at the time of appeal or Praecipe for writ of certiorari is filed.
 - c) Pay the remaining two-thirds of your monthly rent into the escrow account within twenty days of the date the notice of appeal or Praecipe was filed.
 - d) Pay your monthly rent on an ongoing basis into the escrow account within thirty days from the date the notice of appeal or Praecipe was filed until the time of your trial.

- 3) **TYPE B** If you are a low income tenant and there was a money judgment entered against you for non-payment of rent, and you **HAVE** paid rent for the month in which the notice of appeal or praecipe for writ of certiorari is filed, you do not have to pay rent at the time you file your notice of appeal or praecipe. You must:

- a) File an in forma pauperis petition (a petition for low-income parties) pursuant to Pa.R.C.P. No. 240.
 - b) Pay your monthly rent on an ongoing basis into an escrow account with the Prothonotary in thirty day intervals from the date the notice of appeal or praecipe was filed until the time of trial. It is important to count thirty days exactly because the date of your payment will change depending on the number of days in a given month.
- 4) **TYPE C** If you are a low-income tenant, and no money judgment was entered against you for non-payment of rent, you do not have to pay rent at the time you file your notice of appeal or praecipe for writ of certiorari. This option is to be used if at the magisterial district court hearing, the judge determined that you owed “zero” or “nothing” in rent. You must:
- a) File an in forma pauperis petition (a petition for low-income parties) pursuant to Pa.R.C.P. No. 240.
 - b) Pay your monthly rent on an ongoing basis into an escrow account with the Prothonotary in thirty day intervals from the date of the notice of appeal or praecipe was filed until the time of your trial. It is important to count the thirty days exactly because the date of your payment will change depending on the number of days in a given month.
- 5) **TYPE D** If your income is higher than the income limits on the attached chart, you must:
- a) Pay the fee to file a notice of appeal or praecipe for writ of certiorari;
 - b) Pay the lesser of three months’ rent or the amount of rent awarded to the landlord in the magisterial district court into an escrow account with the prothonotary’s office at the time the notice of appeal or praecipe is filed; and
 - c) Pay your monthly rent into the escrow account in thirty day intervals from the date the notice or praecipe was filed until the time of trial. It is important to count the thirty days exactly because the date of your payment will change depending on the number of days in a given month.