## NOTICE OF APPEAL FROM DISTRICT JUSTICE JUDGMENT

#### IT IS STRONGLY RECOMMENDED THAT YOU CONSULT AN ATTORNEY

#### DISCLAIMER

THE STAFF IN ANY COURT OFFICE ARE NOT PERMITTED TO GIVE YOU LEGAL ADVICE. THE INFORMATION IN THIS PACKET IS NOT A SUBSTITUTE FOR PROFESSIONAL LEGAL ADVICE. THE COURT ASSUMES NO RESPONSIBILTY AND ACCEPTS NO LIABILITY FOR ACTIONS TAKEN BY USERS OF THESE DOCUMENTS, INCLUDING RELIANCE ON THEIR CONTENTS. IF YOU WANT TO OBTAIN THE SERVICES OF AN ATTORNEY, BUT DO NOT KNOW WHOM TO CONTACT, YOU MAY OBTAIN A LIST OF ATTORNEYS PRACTICING IN WYOMING COUNTY FROM THE PROTHONOTARY WEBSITE.

# \*THE PROTHONOTARY STAFF IS UNABLE TO ASSIST YOU IN COMPLETING THIS FORM AND WE STRONGLY SUGGEST YOU CONTACT AN ATTORNEY\*

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

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

If you ONLY disagree with and want to appeal the amount of money the MDJ decided that you owe, you have 30 days from the date of the MDJ's Notice of Judgment to appeal.

If you disagree with the MDJ's decision that your LL is entitled to evict you and get possession, then you have 10 days from the date of the MDJ's Notice of Judgment to appeal.

1. Complete the <u>Notice of Appeal form</u>, along with the <u>Civil Cover Sheet</u> and <u>Certificate of Compliance</u>.

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) and a copy of the Judgment <u>MUST</u> be attached.

See Sample Notice of Appeal from District Judge Judgment.

- 2. Make 4 copies of the appeal after it has been completed (prior to filing).
- 3. File the appeal (original plus 4 copies) in the Prothonotary's Office, with a copy of the Judgment from the Magisterial District Court. The filing fee in the amount of \$130.75\* must accompany the filing. Acceptable method of payments are cash, money order or check.
- 4. After the appeal is filed, <u>it is the Appellant's responsibility to serve</u> the copies of the appeal on the opposing parties. This will be the Appellee/Landlord (or the attorney representing the Appellee) and the Magisterial District Court by personal service or certified mail. Our office will forward a copy to the Court Administrator on your behalf.
- 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's Office within 10 days. If service has been made by certified mail, attach the slips from the Post Office to the Proof of Service form. If your green cards are not received yet, you can bring them into the Prothonotary's Office or mail them when received. Make sure your case no. is on the cards.

If you are unable to afford the Appeal filing fee of \$130.75, the filing fee may be waived by Order of the Court of Common Pleas pending sufficient evidence of the inability to pay. To demonstrate inability to pay, defendants must complete an In Forma Pauperis Petition. The Appeal form must accommodate said Petition. If you are granted In Forma Pauperis and the filing fee is waived, you must then file the original and serve the Appeal.

To remain in the property and obtain a Supersedeas (see bottom for definition) for the possession, a bond must be paid (in addition to the filing fee). The bond consists of 3 months rent or the amount in arrears (this means the amount of unpaid rent as determined by the MDJ Judgment), whichever is

less. The bond must be paid in cash or money order to the Prothonotary's Office. <u>Please read the Supplemental Instructions for obtaining a Stay of Eviction.</u>

(Supersedeas: The name given to a writ, a court order, from a higher court commanding a lower court to suspend a particular proceeding. A supersedeas is a writ that suspends the authority of a trial court to issue an execution on a judgment that has been appealed. It is a process designed to stop enforcement of a trial court judgment brought up for review.)

### SUPPLEMENTAL INSTRUCTIONS FOR OBTAINING A STAY OF EVICTION \*\*\*\*\*IMPORTANT! PLEASE READ THE 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.

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 (\*see definition), 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 you 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 attached.
  - 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) or 1013(C)(2). These Affidavits are available on the website of the Unified Judicial System of Pennsylvania at http://www.pacourts.us/forms/for-the-public. 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 to waive the filing fee;
  - b. Pay 1/3 of your monthly rent to the Prothonotary at the time of the appeal or Praecipe for Writ of Certiorari is filed;
  - c. Pay the remaining 2/3 of your monthly rent into the escrow account within 20 days of the date the notice of appeal or praccipe was filed.
  - d. Pay your monthly rent on an ongoing basis into the escrow account within 30 days from the date the notice of appeal or praccipe 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 praccipe for writ of certiorari is filed, you do not have to pay rent at the time you file your notice of appeal or praccipe. You must:
  - a. File an In Forma Pauperis Petition (a Petition for low-income parties) pursuant to Pa. R.C.P. No. 240 to waive the filing fee;

(writ of certiorari is an order (writ) issued by a higher or "appellate" court to review decisions made by a lower court for any irregularities in legal process or procedures).

- b. Pay your monthly rent on an ongoing basis into an escrow account with the Prothonotary in 30 days intervals from the date of the notice of appeal or praccipe
- c. was filed until the time of trial. It is important to count 30 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 the 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 to waive the filing fee;
  - b. Pay your monthly rent on an ongoing basis into an escrow account with the Prothonotary in 30 day intervals from the date of the notice of appeal or praccipe was filed until the time of your trial. It is important to count the 30 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 month's 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 preacipe is filed; and
  - c. Pay your monthly rent into the escrow account in 30 day intervals from the date the notice or praccipe was filed until the time of trial. It is important to count the 30 days exactly because the date of your payment will change depending on the number of days in a given month.

This is General Information and not specific legal advice. Although the information is believed to be accurate at the time of preparation, it is strongly recommended you contact an attorney.

What happens after you fill out all of the papers and file your appeal and get the supersedeas?

Once you have served both the Landlord and the MDJ, you need to fill out the Proof of Service form provided in your packet. Complete the Proof of Service form, sign it in the presence of a notary public, attach the senders receipt if you served the Landlord or MDJ by certified mail, and file it with the Prothonotary. It is important to remember that you need to serve the Landlord and MDJ and file the proof of service form with the Court within ten (10) days from the date you filed the appeal or your Landlord can have your appeal dismissed.

#### What happens next?

Your Landlord has 20 days from being served with your Notice of Appeal to file a Complaint with the Court of Common Pleas. After doing so and serving you with the Complaint, you will have 20 days to file your Answer to the allegations made by your Landlord in the Complaint.

# Supreme Court of Pennsylvania Civil Procedural Rules Committee

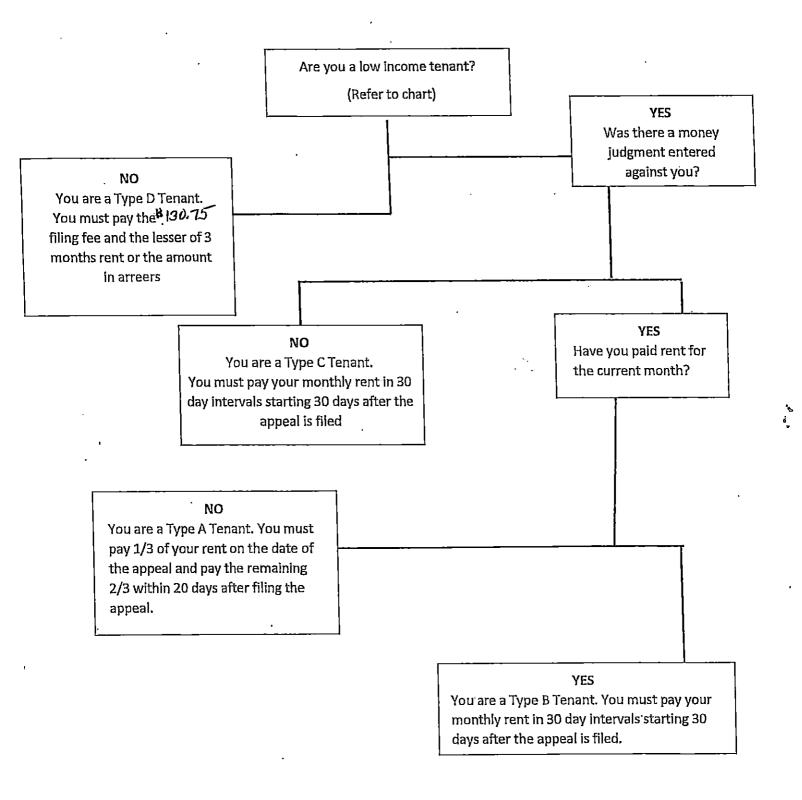
#### **Poverty Income Guidelines**

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 2024 are set forth in the following chart:

2024 HHS Poverty Income Guidelines Expressed in Monthly Amounts

Size of Family Unit	Poverty Guideline Monthly Amount
1	\$1255.00
2	1703.33
3	2151.67
4	2600.00
5	3048.33
6	3496.67
7	3945.00
8	4393.33
For each additional person, add	448.33

#### What Type of Tenant Are You?



;	Supreme Court of Renns	ylvania			
	Court of Common Plea	as	For Prothonotary Use	Only:	· ·
	Citil Cavar Sheet	_County	Docket No:		Than St. A.
	The information collected on this for supplement or replace the filing and s  Commencement of Action:  Complaint Writ of Summ	ervice of pleadings of			
.⊹S E	☐ Transfer from Another Jurisdiction		Declaration of Taking		
: <b>·C</b>	Lead Plaintiff's Name:		Lead Defendant's Name	:	
TIO	Are money damages requested?	☐Yes ☐ No	Dollar Amount Red (check one)		nin arbitration limits side arbitration limits
N	Is this a Class Action Suit?	∃Yes □ No	Is this an MDJ	Appeal?	] Yes □ No
A	A Name of Plaintiff/Appellant's Attorney:  Check here if you have no attorney (are a Self-Represented [Pro Se] Litigant)			gant)	
-	Nature of the Case: Place an "X" to the left of the ONE case category that most accurately describes your PRIMARY CASE. If you are making more than one type of claim, check the one that you consider most important.				
· S	TORT (do not include Mass Tort)  Intentional Malicious Prosecution Motor Vehicle Nuisance Premises Liability Product Liability (does not include	CONTRACT (do not include Judgments)  Buyer Plaintiff Debt Collection: Credit Card Debt Collection: Other		CIVIL APPEA  Administrative a  Board of As  Board of El  Dept. of Tra  Statutory A	Agencies sessment ections
E	mass tort)  Slander/Libel/ Defamation Other:	Discrimination		☐ Zoning Boa	rd
T	had Otter.			Other:	
I O N	MASS TORT  Asbestos Tobacco Toxic Tort - DES	Other:			
B	Toxic Tort - Implant Toxic Waste Other: PROFESSIONAL LIABLITY	Ground Rent Landlord/Ter Mortgage Fo Mortgage Fo	nain/Condemnation	☐ Declarator ☐ Mandamus	aw/Statutory Arbitration y Judgment stic Relations ; g Order
, , , , , , , , , , , , , , , , , , , ,	Dental Legal Medical Other Professional	Partition Quiet Title Other:		Replevin Other:	

Other Professional:

#### DMMONWEALTH OF PENNSYLVANIA NOTICE OF APPEAL **COURT OF COMMON PLEAS** FROM Judicial District, County of MAGISTERIAL DISTRICT JUDGE JUDGMENT COMMON PLEAS No. NOTICE OF APPEAL tice is given that the appellant has filed in the above Court of Common Pleas an appeal from the judgment rendered by the Magisterial District age on the date and in the case referenced below. MAG. DIST. NO. NAME OF MDJ IE OF APPELLANT CITY DRESS OF APPELLANT TE OF JUDGMENT IN THE CASE OF (Plaintiff) SIGNATURE OF APPELLANT OR ATTORNEY OR AGENT CKET No. is block will be signed ONLY when this notation is required under Pa. C.P.M.D.J. No. 1008. is Notice of Appeal, when received by the Magisterial District Judge, will erate as a SUPERSEDEAS to the judgment for possession in this case.

# ZIP CODE

If appellant was Claimant (see Pa. R.C.P.M.D.J. No. 1001(6) in action before a Magisterial District Judge, A COMPLAINT MUST BE FILED within twenty (20) days after filing the NOTICE of APPEAL.

PRAECIPE TO ENTER RULE TO FILE COMPLAINT AND RULE TO FILE

This section of form to be used ONLY when appellant was DEFENDANT (see Pa:R.C.P.M.D.J. No. 1001(7) in action before flagisterial District Judge. IF NOT USED, detach from copy of notice of appeal to be served upon appellee.

'RAECIPE: To Prothonotary		
Enter rule upon		appellee(s), to file a complaint in this appeal
	Name of appellee(s)	
Common Pleas No.	) within twenty (20) days after se	ervice of rule or suffer entry of judgment of non pros.
		Signature of appellant or attorney or agent
RULE: To	, appellee(s)	

- (1) You are notified that a rule is hereby entered upon you to file a complaint in this appeal within twenty (20) days after the date of service of this rule upon you by personal service or by certified or registered mail.
  - (2) If you do not file a complaint within this time, a JUDGMENT OF NON PROS MAY BE ENTERED AGAINST YOU.
  - (3) The date of service of this rule if service was by mail is the date of the mailing.

Signature of Prothonotary or Deputy

Date:

Name of appellee(s)

Signature of Prothonotary or Deputy

YOU MUST INCLUDE A COPY OF THE NOTICE OF JUDGMENT/TRANSCRIPT FORM WITH THIS NOTICE OF APPEAL. The appellee and the magisterial district judge in whose office the judgment was rendered must be served with a copy of this Notice pursuant to Pa.R.C.P.M.D.J. 1005(A).

#### PROOF OF SERVICE OF NOTICE OF APPEAL AND RULE TO FILE COMPLAINT

(This proof of service must be filed within 10 days after filing of the notice of appeal)

I hereby certify that I served the Notice of Appeal, Common Pleas No
upon the Magisterial District Judge designated therein on,by
personal service, or
certified or registered mail, sender's receipt attached hereto,
and upon the appellee,, on,by
personal service, or
certified or registered mail, sender's receipt attached hereto,
I verify that the statements herein are true and correct. I understand that false statements herein are made subject to the penalties of Section 4904 of the Crimes Code (18 Pa.C.S. § 4904) relating to
unsworn falsification to authorities
By: Signature
Date:

#### CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

Submitted by:			_ :-
Signature:	<del></del>	<u></u> -	
Name:			
Attorney No. (if applicable);			

#### SAMPIE COMMONWEALTH OF PENNSYLVANIA NOTICE OF APPEAL COURT OF COMMON PLEAS **FROM** Judicial District, County of MAGISTERIAL DISTRICT JUDGE JUDGMENT COMMON PLEAS No. NOTICE OF APPEAL Notice is given that the appellant has filed in the above Court of Common Pleas an appeal from the judgment rendered by the Magisterial District Judge on the date and in the case referenced below. lour name & more y anyone else ZIP CODE ivul addies Lineme of case in District Court-other side us you notation is required under Pa. If appellant was Claimant (see Pa. R.C.P.M.D.J. No. 1001(6) in This block will be signed R.C.P.M.D.J. No. 1008. action before a Magisterial District Judge, A COMPLAINT MUST BE This Notice of Appeal, when received by the Magisterial District Judge, will FILED within twenty (20) days after filing the NOTICE of APPEAL. operate as a SUPERSEDEAS to the judgment for possession in this case. PRAECIPE TO ENTER RULE TO FILE COMPLAINT AND RULE TO FILE (This section of form to be used ONLY when appellant was DEFENDANT (see Pa.R.C.P.M.D.J. No. 1001(7) in action before Magisterial District Judge. IF NOT USED, detach from copy of notice of appeal to be served upon appellee. PRAECIPE: To Prothonotary Enter rule upon (Witten name of appellee(s) appellee(s), to file a complaint in this appeal (Common Pleas No. (Will be assigned) within twenty (20) days after service of rule or suffer entry of judgment of non pros. (YUL SIGN here) Signature of appellant or attorney or agent RULE: TO WITH IN THE NAMELY HELL , appellee(s) (1) You are notified that a rule is hereby entered upon you to file a complaint in this appeal within twenty (20) days after the date of service of this rule upon you by personal service or by certified or registered mail. (2) If you do not file a complaint within this time, a JUDGMENT OF NON PROS MAY BE ENTERED AGAINST YOU. (3) The date of service of this rule if service was by mail is the date of the mailing.

YOU MUST INCLUDE A COPY OF THE NOTICE OF JUDGMENT/TRANSCRIPT FORM WITH THIS NOTICE OF APPEAL. The appellee and the magisterial district judge in whose office the judgment was rendered must be served with a copy of this Notice pursuant to Pa.R.C.P.M.D.J. 1005(A).

Signature of Prothonolary or Deputy

Date:

\_\_\_\_,20\_

# SAMPLE

#### PROOF OF SERVICE OF NOTICE OF APPEAL AND RULE TO FILE COMPLAINT

(This proof of service must be filed within 10 days after filing of the notice of appeal)

I hereby certify that I served the Notice of Appeal, Common Pleas No. upon the Magisterial District Judge designated therein on by
personal service, or
certified or registered mail, sender's receipt attached hereto,
and upon the appellee, Nome 4. 5. do , on [3], by
personal service, or
certified or registered mail, sender's receipt attached hereto,
I verify that the statements herein are true and correct. I understand that false statements herein are made subject to the penalties of Section 4904 of the Crimes Code (18 Pa.C.S. § 4904) relating to unsworn falsification to authorities
By:
Date:
[1] Fill in the Case # assigned by the Prothonorary.  LIT will be in the Notice of appeal)
[2] Fill in the date you gave or sent the papers
how you did it.
[3] till in the land check the bit to since
Aprenter to attach your white vecests for Avenember to attach your white vecests for Certified mail!

IN THE COURT OF COMMON PLEAS OF WYOMING COUNTY
VS.
SECTION 8 TENANT'S SUPERSEDEAS AFFIDAVIT  I,
(Print name & address) have filed a Praecipe for a Writ o
Certiorari to review 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 lesser of three (3) times my monthly rent o
the actual rent in arrears. My total household income does not exceed the income limits set forth in the
instruction for obtaining a stay pending issuance of Writ of Certiorari and I have completed an In Form
Paupers Affidavit to verify this. I have/have not (cross out the one that does not apply) paid the rent thi
month.
The total amount of monthly rent that I personally pay to the landlord is \$ I hereby certify
and I am a participant in the Section 8 program and I am not subject to a final (i.e. non-appealable) decisio
of a court of government agency which terminates my right to receive Section 8 assistance based on m
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 of 18 Pa
C.S. §4904, relating to unsworn falsification to authorities.
Date Signature of Tenant

COMMONWEALTH OF PENNSYLVANIA		,		
COURT OF COMMON PLEAS	PLAINTIFF:	NAME and ADDRESS	_	
County Of	1		l	
	<u> </u>			
	DEFENDANT:	VS. NAME and ADDRESS	_	
	$\Gamma$	·		
	<u></u>			
	Common Pleas	Docket No.		
TENANT'S SUPERSEDEAS AFFIDAVIT (NON-SECTION 8) FILED PURSUANT TO Pa.R.C.P.M.D.J. No. 1008C(2)				
1,	·	_(print name & address he	<i>ere</i> ), 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 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.				
I verify that the statements made in this affidavit	t are true and corr	ect to the best of my know	ledge,	
information and belief. I understand that false statement	ents herein are ma	ade subject to the penalties	s of 18	
Pa.C.S. § 4904, relating to unsworn falsification to au	thorities.	,		

SIGNATURE OF TENANT

Date

Commonwealth of Pennsylvania			
Court of Common Pleas County			
of			
Judicial District			



#### Motion to Proceed In Forma Pauperis

Commonwealth of Pennsylvania

		v.
	County Clerk of Courts	
Addı	ddress:	
		Docket No:
T.1-	of shows	
reie	elephone:	
l,	, residing at	, request that this
Cour	ourt permit me to proceed in forma pauperis (without payment of the	filing fee). In support of this I state the following:
1.	I am the defendant in the above-captioned matter and becaus filing this action.	e of my financial condition am unable to pay the fee for
2.	I am unable to obtain funds from anyone, including my family	and associates, to pay the costs of litigation.
3.	. I represent that the information below relating to my ability to	pay the fees and costs is true and correct:
-	•	a a
	Employme	ent Information
If yo	you are presently employed, state employer:	
•	Name:	
	Address:	
	Salary or Wages per Month:	Type of Work:
If vo	f you are presently unemployed, state:	
, .	The date of my last employment was:	
	Salary or Wages per Month:	Type of Work:
	Other Income Received V	Within The Past Twelve Months
Spo	Spouse's name:	
•	if spouse is presently employed, state employer:	·
	Name:	
	Address:	
	Salary or Wages per Month:	Type of Work:
lf si	If spouse is presently unemployed, state:	
•,	The date of spouse's last employment was:	
	Salary or Wages per Month:	Type of Work:
Co	Contributions from Children:	
	Other Contributions:	
<b>J</b> .		

٧.

Docket No:

Assets/Property Owned			
Cash:	Certificates of Deposit:		
Checking Account:	Stocks and Bonds;		
Savings Account:	Other:		
Real Estate;			
Do you own a home or other real property? If so, please provide for each:	•		
Address:			
Assessed Value:	Amount Owed:		
Motor Vehicle:			
Do you own an automobile? If so, please provide for each:			
Make:			
Model:	Year:		
Cost:	Amount Owed:		
Debts and Ob	oligations		
Rent:	Loans:		
Mortgages:	Other:		
(Other than those listed above)			
Persons Dependent Up Spouse's Name:	oon Me For Support		
Ages of Minor Children, if any:			
Other Persons (non-minor)			
Name:	Relationship:		
Name:	Relationship:		
I,, understand the improvement in my financial circumstances which would permit	nat I have a continuing obligation to inform the Court of me to pay the costs incurred herein.		
I,, verify that the understand that false statements herein are made subject to pe falsification to authorities.	statements made in this petition are true and correct. I nalties of 18 Pa.C.S. § 4904, relating to unsworn		
I certify that this filing complies with the provisions of the Public Pennsylvania: Case Records of the Appellate and Trial Courts to documents differently than non-confidential information and documents.	hat require filing confidential information and		
Signature of Petitioner	Date		