

FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY
TRIAL DIVISION – CIVIL
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 is heard.

FOR TENANTS – SUPERSEDEAS: If you are a tenant and you file a ***Notice of Appeal***, you must pay money into an escrow account to remain in the property until your appeal is decided. This is called a “supersedeas.” The supersedeas will suspend the Municipal Court judgment and will prevent your eviction until your case is heard by a Court of Common Pleas judge and a final decision is made on the appeal.

IF YOU FAIL TO PAY YOUR MONTHLY RENT INTO ESCROW IN FULL AND ON TIME, YOU COULD BE EVICTED BEFORE YOUR APPEAL IS HEARD.

Begin by looking at the income limits attached to these instructions.

If your income is **below the income limits**, complete a *Tenant's Supersedeas Affidavit (Non-Section 8)* or *Tenant's Supersedeas Affidavit (Section 8)*, then follow the instructions for low-income tenants below. There are several different options available; pick the **Option (A, B, or C)** that best describes your situation.

If your income is **higher than the income limits** attached to these instructions, follow the instructions for **Option D**.

These forms are available on the website of the First Judicial District at <http://www.courts.phila.gov/forms>.

If you fail to pay into escrow the required monthly amount when it is due, the supersedeas can be terminated upon the filing of a *Praecipe Requesting Termination of Supersedeas*, and you may be evicted before your appeal is heard.

**FFY 2017 INCOME LIMITS* FOR FILING SUPERSEDEAS
AS A LOW INCOME TENANT**

Number of Persons in Household	Maximum Gross Monthly Income	Maximum Gross Yearly Income
One	\$ 1,005	\$ 12,060
Two	\$ 1,354	\$16,240
Three	\$ 1,702	\$20,420
Four	\$ 2,050	\$ 24,600
Five	\$ 2,398	\$ 28,780
Six	\$ 2,747	\$ 32,960
Seven	\$ 3,095	\$ 37,140
Eight	\$ 3,443	\$ 41,320
For each additional person add	\$ 348	\$ 4,180.00

* Issued by the Federal Department of Health and Human Services. Will be updated as applicable.

OPTION A. If you are a low-income tenant and there was a money judgment entered against you for nonpayment of rent, and you HAVE NOT paid rent for the month in which the Notice of Appeal is filed, you must:

1. File an ***In Forma Pauperis petition*** (a petition for low-income parties) pursuant to Pa.R.C.P. No. 240;
2. Pay one-third of your monthly rent into an escrow account with the Office of Judicial Records at the time the ***Notice of Appeal*** is filed;
3. Pay the remaining two-thirds (2/3) of your monthly rent into the escrow account within twenty (20) days of the date the ***Notice of Appeal*** was filed; and
4. Pay your monthly rent on an ongoing basis into the escrow account in thirty (30) day intervals from the date the Notice of Appeal was filed until the time of your trial. It is important to count the thirty (30) days exactly because the date of your payment will change depending on the number of days in a given month.

OPTION B. If you are a low-income tenant, and there was a money judgment against you for nonpayment of rent, and you HAVE paid rent for the month in which the Notice of Appeal is filed, you do not have to pay rent at the time you file your Notice of Appeal. You must:

1. File an ***In Forma Pauperis petition*** (a petition for low-income parties), pursuant to Pa.R.C.P. No. 240;
2. Pay your monthly rent on an ongoing basis into an escrow account with the Office of Judicial Records in thirty (30) day intervals from the date the ***Notice of Appeal*** was filed until the time of trial. It is important to count the thirty (30) days exactly because the date of your payment will change depending on the number of days in a given month.

OPTION C. If you are a low-income tenant, and no money judgment was entered against you for nonpayment of rent, you do not have to pay rent at the time you file your ***Notice of Appeal***. *This option is to be used if at the Municipal Court hearing, the judge determined that you owed “zero” or “nothing” in rent.* You must:

1. File an ***In Forma Pauperis petition*** (a petition for low-income parties), pursuant to Pa.R.C.P. No. 240;
2. Pay your monthly rent on an ongoing basis into an escrow account with the Office of Judicial Records in thirty (30) day intervals from the date the ***Notice of Appeal*** was filed until the time of your trial. It is important to count the thirty (30) days exactly because the date of your payment will change depending on the number of days in a given month.

OPTION D. If your income is higher than the income limits on the attached chart, you must:

1. Pay the fee to file a ***Notice of Appeal***;
2. Pay the lesser of three (3) months' rent or the amount of rent awarded to the landlord in the Municipal Court into an escrow account with the Office of Judicial Records' office at the time the ***Notice of Appeal***; and
3. Pay your monthly rent into the escrow account in thirty (30) day intervals from the date the ***Notice of Appeal*** was filed until the time of trial. It is important to count the thirty (30) days exactly because the date on your payment will change depending on the number of days in a given month.

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
CIVIL TRIAL DIVISION

	:	_____ TERM, 200__
Plaintiff,	:	
	:	NO. _____
v.	:	
	:	
Defendant.	:	_____
	:	Landlord - Tenant Number

**TENANT'S SUPERSEDEAS AFFIDAVIT
(SECTION 8)**

I, _____
PRINT NAME AND ADDRESS HERE

_____,
have filed a Notice of Appeal from a Municipal 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 actual rent in arrears. My total household income does not exceed the income guidelines set forth in the supplemental instruction for obtaining a stay pending appeal and I have completed an In Forma Pauperis (IFP) petition to verify this.

Check one: ☐ I have paid the rent this month. ☐ I have not 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 of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.

DATE

SIGNATURE OF APPELLANT

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
TRIAL DIVISION-CIVIL

	:	_____ TERM, 20__
Plaintiff,	:	
	:	NO. _____
v.	:	
	:	
Defendant.	:	_____
		Landlord - Tenant Number

**TENANT'S SUPERSEDEAS AFFIDAVIT
(NON-SECTION 8)**

I, _____
PRINT NAME AND ADDRESS HERE

_____,
have filed a Notice of Appeal from a Municipal 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 Municipal Court. My total household income does not exceed the income guidelines set forth in the supplemental instructions for obtaining a stay pending appeal and I have completed an In Forma Pauperis (IFP) petition to verify this.

Check one: ☐ I have paid the rent this month. ☐ I have not paid the rent this month.

The total amount of monthly rent that I personally pay to the landlord is \$_____.

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 in 18 Pa.C.S. §4904, relating to unsworn falsification to authorities.

DATE: _____

SIGNATURE OF APPELLANT

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
TRIAL DIVISION-CIVIL

	:	_____ TERM, 200__
Plaintiff,	:	
	:	NO. _____
v.	:	
	:	_____
Defendant.	:	Landlord – Tenant Number

PRAECIPE REQUESTING TERMINATION OF SUPERSEDEAS

TO THE OFFICE OF JUDICIAL RECORDS:

Please terminate the supersedeas in the within action for failure of the appellant to pay monthly rental as required by Philadelphia Civil Rule *1008 when it became due.

Date: _____

Appellee

Upon confirmation of failure of the appellant to deposit the monthly rent when it became due, the supersedeas is terminated.

[DATE/TIME STAMP]

OFFICE OF JUDICIAL RECORDS