

**FIRST JUDICIAL DISTRICT OF PHILADELPHIA  
COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY**

**GENERAL COURT REGULATION No. 2008-02**

***In Re: Rescission of Philadelphia Civil Rules \*310, \*311, \*312 and \*313 and Adoption of  
Philadelphia Civil Rules \*1001, \*1008, and \*4003.8.***

**ORDER**

AND NOW, this 3rd day of July, 2008, the Board of Judges of Philadelphia County having voted at the Board of Judges' meeting held on May 15, 2008 to rescind Philadelphia Civil Rules \*310, \*311, \*312 and \*313 and to adopt Philadelphia Civil Rules \*1001, \*1008, and \*4003.8, IT IS HEREBY ORDERED that Philadelphia Civil Rules \*310, \*311, \*312 and \*313 are rescinded and Philadelphia Civil Rules \*1001, \*1008, and \*4003.8, as attached hereto, are adopted.

This General Court Regulation is issued in accordance with Pa.R.C.P. No. 239 and the above-referenced rule changes shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*. The original General Court Regulation shall also be filed with the Prothonotary in a Docket maintained for General Court Regulations issued by the President Judge of the Court of Common Pleas of Philadelphia County, and copies shall be submitted to the Administrative Office of Pennsylvania Courts, and the Civil Procedural Rules Committee. Copies of the General Court Regulation shall also be submitted to American Lawyer Media, *The Legal Intelligencer*, Jenkins Memorial Law Library, and the Law Library for the First Judicial District of Pennsylvania, and posted on the website of the First Judicial District of Pennsylvania: <http://courts.phila.gov/regs>.

BY THE COURT:

*/s/ Honorable C. Darnell Jones, II*

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HONORABLE C. DARNELL JONES, II  
President Judge, Court of Common Pleas

**PHILADELPHIA CIVIL RULE \* 1001 —GENERAL PROVISIONS APPLICABLE TO MUNICIPAL COURT APPEALS.**

**(a) Types of Final Orders of the Municipal Court Appealable to the Court of Common Pleas.**

(1) Final orders issued by the Municipal Court in connection with money judgments pursuant to 42 Pa.C.S. § 1123 (a)(4) and (6), and Landlord – Tenant orders pursuant to 42 Pa.C.S. § 1123 (a)(3), are appealable to the Court of Common Pleas. The proceeding on appeal shall be conducted *de novo* in accordance with the Rules of Civil Procedures that would be applicable if the action being appealed was initially commenced in the Court of Common Pleas.

(2) Final orders issued by the Municipal Court in connection with actions to enjoin a nuisance pursuant to 42 Pa.C.S. § 1123 (a)(7) and (8) are appealable to the Court of Common Pleas, but the appeal is limited to a review of the record.

*Note: 42 Pa.C.S. § 1123(a)(8)(a.1) provides that contempt orders issued in connection with nuisance actions shall be heard by the Superior Court of Pennsylvania.*

(3) Supplementary Orders. Orders granting or denying a petition to open a default judgment and any other post-judgment orders are appealable to the Court of Common Pleas, but the appeal is limited to a review of the record

(b) **Notice of Appeal.** A Notice of Appeal, substantially in the form set forth below as *Attachment 1*, shall be filed with the Prothonotary, within the time periods set forth below, and the requisite filing fee shall be paid.

(c) **Time to File the Notice of Appeal.** A Notice of Appeal shall be filed as follows:

(1) **Money judgment only:** within 30 days after the date of the entry of a judgment for money on the dockets of the Municipal Court.

(2) **Landlord-Tenant, residential lease, possession:** within ten (10) days after the date of the entry of a judgment of possession of real property on the dockets of the Municipal Court, if the appeal is for possession of real property only or for both possession and money judgment arising out of a residential lease.

(3) **Landlord-Tenant, residential lease, money judgment:** within thirty (30) days after the date of the entry of a judgment of possession on the dockets of the Municipal Court, if the appeal is only for the money judgment arising out of a residential lease.

(4) **Landlord-Tenant, non-residential lease:** within 30 days after the date of the entry on the dockets of the Municipal Court of judgment for money, or a judgment for possession of real property arising out of a nonresidential lease.

(5) **Supplementary Orders:** within 30 days after the date of the entry of the order on the dockets of the Municipal Court.

**(d) Service.** The Notice of Appeal shall be served on the appellee as provided by the rules applicable to service of original process in Philadelphia County, as set forth in Pa.R.C.P. No. 400.1. Upon implementation of the Civil Electronic Filing System as provided in Philadelphia Civil Rule \* 205.4, notice of the filing of the Notice of Appeal will be served on the Philadelphia Municipal Court electronically by the Civil Electronic Filing System. Until the Civil Electronic Filing System is implemented, the appellant must serve a copy of the Notice of Appeal on the Philadelphia Municipal Court as required by Pa.R.C.P. No. 400.1.

**(e) Return of Service.** The appellant must file a return of service as required by Pa.R.C.P. No. 405.

**(f) Pleadings and Legal Papers.**

**(1) Appeals filed pursuant to Philadelphia Civil Rule \*1001 (a)(1).**

i. If the appellant was the plaintiff or claimant in the action before the Municipal Court, he shall file a complaint within twenty (20) days after filing the Notice of Appeal.

ii. If the appellant was the defendant in the action before the Municipal Court, he shall file with the Notice of Appeal a praecipe requesting the Prothonotary to enter a rule as of course upon the appellee to file a complaint within twenty (20) days after service of the rule or suffer entry of a judgment of non pros.

iii. When judgments have been rendered on complaints of both the appellant and the appellee and the appellant appeals from the judgment on his complaint or on both complaints, the appellee may assert his claim in the Court of Common Pleas by pleading it as a counterclaim if it can properly be so pleaded in that court. If the appellant appeals only from the judgment on his complaint, the appellee may appeal from the judgment on his complaint at any time within thirty (30) days after the date on which the appellant served a copy of his Notice of Appeal upon the appellee.

*Explanatory Note: Pa.R.C.P.M.D.J. No. 1004 is the source of section (f)(1).*

iv. All further pleadings and proceedings shall be in accordance with the Rules of Civil Procedures that would be applicable if the action being appealed was initially commenced in the Court of Common Pleas.

**(2) Appeals filed pursuant to Rule \*1001 (a)(2) and (3).**

i. Within twenty (20) days of the filing of the Notice of Appeal, the appellant must file a motion with the Prothonotary in compliance with Pa.R.C.P. No. 208.1 *et seq.* and Phila.Civ.R. \*208.2(c) *et seq.*, setting forth the relief requested, and shall attach:

- a. a copy of the Statement of Claim, the Landlord/Tenant Complaint or Code Enforcement Complaint which was filed in the Municipal Court;
  - b. the stenographic record of the proceeding before the Municipal Court, if available, or proof that transcription of the stenographic record has been ordered; and
  - c. all other documents required to be filed by Philadelphia Civil Rule 208.1 et seq. which is necessary to enable the court to decide the issue presented.
- ii. All further legal papers and proceedings shall be in accordance with Pa.R.C.P. No. 208.1 *et seq.* and Phila.Civ.R. \*208.2(c) *et seq.* and with the Rules of Civil Procedures that would be applicable if the action being appealed was initially commenced in the Court of Common Pleas.

**(g) Hearing or Trial.**

(1) **Appeals filed pursuant to Rule \*1001 (a)(1)** shall be scheduled for a hearing at the Arbitration Center, and the case shall proceed as an “Arbitration” Case Type.

(2) **Appeals filed pursuant to Rule \*1001 (a)(2) and (3)** shall proceed as motions, pursuant to Pa.R.C.P. No. 208.1 *et seq.* and Phila.Civ.R. \*208.2(c) *et seq.* The appeal shall be limited to a determination by the Court whether the Municipal Court committed an error of law or abused its discretion in ruling upon the petition or motion which is the subject of the appeal. Upon the issuance of a dispositive order by the Court of Common Pleas, the action shall be remanded to the Municipal Court for further processing consistent with the order.

**(h) Striking Appeal.** Upon failure of the appellant who was the plaintiff in the Municipal Court action to file a complaint within twenty (20) days of the filing of the appeal as required by section (f)(1)(i), or upon the failure of the appellant who was the defendant in the Municipal Court action to serve upon the appellee (who was the plaintiff in the Municipal Court action) of a rule to file a complaint, or upon the failure of an appellant to file a motion as required by section (f)(2), the Prothonotary shall, upon praecipe of the appellee, mark the appeal stricken from the record. The Court of Common Pleas may reinstate the appeal upon good cause shown.

***Adopted by the Board of Judges of the Court of Common Pleas on May 15, 2008. Promulgated by Order dated May 20, 2008. Effective thirty (30) days after publication in the Pennsylvania Bulletin.***



**PHILADELPHIA CIVIL RULE \*1008. MUNICIPAL COURT APPEALS AS SUPERSEDEAS.**

**(a) General Rule.** Except as provided in section (b), (c) and (d) below, service of a copy of the Notice of Appeal on the Municipal Court operates as a supersedeas.

**(b) Supersedeas in Appeals of Judgments of Possession of Real Property Pursuant to Non-Residential Leases.** When the appeal is from a judgment for possession of real property pursuant to a non-residential lease, receipt by the Municipal Court of a copy of the Notice of Appeal shall operate as a supersedeas only if the appellant/tenant, at the time of the filing of the Notice of Appeal, deposits with the Prothonotary a sum of money (or a bond, with surety approved by the Prothonotary) equal to the lesser of three months' rent or the rent actually in arrears on the date of the filing of the Notice of Appeal, based on the Municipal Court judgment, and thereafter deposits each month with the Prothonotary an amount equal to the monthly rent which becomes due while the appeal is pending in the Court of Common Pleas. The additional deposits shall be made within thirty (30) days following the date of the filing of the Notice of Appeal, and each successive thirty (30) day period thereafter.

**(c) Supersedeas in Appeals of Judgments of Possession of Real Property Pursuant to Residential Leases.** When the appeal is from a judgment for possession of real property pursuant to a residential lease, and there is no allegation that the appellant/tenant is indigent, receipt by the Municipal Court of a copy of the Notice of Appeal shall operate as a supersedeas only if the appellant/tenant, at the time of the filing of the Notice of Appeal, deposits with the Prothonotary a sum of money (or a bond, with surety approved by the Prothonotary) equal to the lesser of three months' rent or the rent actually in arrears on the date of the filing of the Notice of Appeal, based on the Municipal Court judgment, and thereafter deposits each month with the Prothonotary an amount equal to the monthly rent which becomes due while the appeal is pending in the Court of Common Pleas. The additional deposits shall be made within thirty (30) days following the date of the filing of the Notice of Appeal, and each successive thirty (30) day period thereafter.

**(d) Supersedeas in Appeals of Judgments of Possession of Real Property Pursuant to Residential Leases. Indigent Tenants.**

(1) Residential tenants who seek to appeal from a Municipal Court judgment for possession and who do not have the ability to pay the lesser of three months' rent or the full amount of the Municipal Court judgment for rent shall file with the Prothonotary, as applicable, either a *Tenant's Supersedeas Affidavit (Non-Section 8)*, substantially in the form set forth below as *Attachment 1*, or *Section 8 Tenant's Supersedeas Affidavit*, substantially in the form set forth below as *Attachment 2*.

*Explanatory Note: On April 15, 2008, at the recommendation of the Minor Court Rules Committee ("Committee"), the Supreme Court of Pennsylvania approved amendments to Pa.R.C.P.M.D.J. No. 1008 (effective May 15, 2008). The recommendation was based on federal district court lawsuits challenging the*

*constitutionality of Pa.R.C.P.M.D.J. No. 1008B as applied to indigent tenants. The Committee noted in its Report that federal district courts had held that indigent residential tenants' rights were being violated by Rule 1008B's requirement that tenants post three times the monthly rent or the rent determined to be in arrears so that they could remain in the home while appealing a magisterial district judge's award of possession to the landlord.*

*The Committee cited in its Report the federal district court case Wendolyn Pleasant and Tenants' Action Group v. Joseph H. Evers, 1998 WL 205431 (E.D. Pa. Apr. 24, 1998), C.A.NO. 97-4124 (Ludwig, J.) and noted: "In Evers, Community Legal Services challenged Philadelphia Municipal Court's Rule of Procedure 124, which required a deposit to be paid in almost the same fashion as Pa.R.C.P.M.D.J. No 1008B. During the early phases of the protracted litigation, a temporary restraining order was entered enjoining the use of the Municipal Court rule. Ultimately, Evers led Municipal Court to change its practices and create a standing procedure for indigent residential tenants' appeals. That procedure is still used today."*

*The procedure recommended by the Committee and approved by the Supreme Court in its April 15, 2008 order is essentially the Evers procedure which, as the Committee noted, has been in effect in Philadelphia County since 1998; however, that procedure was never adopted as an official court rule. Independently of the Committee's effort to address the constitutionality of Pa.R.C.P.M.D.J. No. 1008 as applied to indigent residential tenants in all counties other than Philadelphia, the Court of Common Pleas of Philadelphia County was in the process of incorporating the Evers requirements in comprehensive local rules addressing appeals from the Philadelphia Municipal Court. Philadelphia Civil Rules \*1001 and \*1008 represent the culmination of that effort and, in order to foster statewide uniformity, incorporate most, if not all, of the provisions found in Pa.R.C.P.M.D.J. No. 1001 to 1008.*

(2)(a) If the rent has already been paid to the landlord in the month in which the Notice of Appeal is filed, the tenant shall pay into an escrow account with the Prothonotary the monthly rent as it becomes due under the lease for the months subsequent to the filing of the Notice of Appeal; or

(b) If the rent has not been paid at the time of filing the Notice of Appeal, the tenant shall pay:

(i) at the time of filing the Notice of Appeal, a sum of money equal to one third (1/3)

of the monthly rent;

(ii) an additional deposit of two thirds (2/3) of the monthly rent within twenty (20) days of filing the Notice of Appeal; and

(iii) additional deposits of one month's rent in full each thirty (30) days after filing the Notice of Appeal. The amount of the monthly rent is the sum of money found by the Municipal Court to constitute the monthly rental for the leasehold premises. However, when the tenant is a participant in the Section 8 program, the tenant shall pay the tenant share of the rent as set forth in the "Section 8 Tenant's Supersedeas Affidavit" filed by the tenant.

(3) The Prothonotary's office shall provide residential tenants who have suffered a judgment for possession with "Supplemental Instructions for Obtaining a Stay of Eviction," substantially in the form set forth below as *Attachment 3*.

*Note: The Supplemental Instructions include both Instructions and Income Limits. The Income Limits are stated in monthly amounts and are based upon the most recent poverty income guidelines issued by the Federal Department of Health and Human Services.*

(4) When the requirements of paragraphs (1) and (2) have been met, the Prothonotary shall issue a supersedeas.

(5) Upon application by the landlord, the Court of Common Pleas shall release appropriate sums from the escrow account on a continuing basis while the appeal is pending to compensate the landlord for the tenant's actual possession and use of the premises during the pendency of the appeal.

(6) If the tenant fails to make monthly rent payments to the prothonotary as described in paragraph (2), the supersedeas may be terminated by the Prothonotary upon praecipe by the landlord or other party to the action, substantially in the form set forth below as *Attachment 4* which is to be filed together with a certificate that a copy of the praecipe has been mailed to each other party who has appeared in the action. Notice of the termination of the supersedeas shall be forwarded by first class mail to attorneys of record, or, if a party is unrepresented, to the party's last known address of record; however, upon implementation of the Civil Electronic Filing System as provided in Philadelphia Civil Rule \* 205.4, notice of the termination of the supersedeas will be served on the Philadelphia Municipal Court electronically by the Civil Electronic Filing System. The landlord may obtain a *writ of possession* from the Municipal Court ten (10) days after the supersedeas is terminated by the Prothonotary.

*Explanatory Note: Although the Prothonotary must provide notice of the termination of the supersedeas for non-payment of the monthly rental payments as provided in this subsection, in order to*

*allow the notice to be delivered to the tenant before the eviction can proceed, the landlord must wait ten (10) days before obtaining a writ of possession from the Municipal Court after termination of the supersedeas by the Prothonotary.*

(7) If the Court of Common Pleas determines, upon written motion or its own motion, that the averments within any of the tenant's affidavits do not establish that the tenant meets the terms and conditions of paragraph (1), *supra*, the Court may terminate the supersedeas. Notice of the termination of the supersedeas shall be forwarded by first class mail to attorneys of record, or, if a party is unrepresented, to the party's last known address of record; however, upon implementation of the Civil Electronic Filing System as provided in Philadelphia Civil Rule \* 205.4, notice of the termination of the supersedeas will be served on the Philadelphia Municipal Court electronically by the Civil Electronic Filing System.

(8) If an appeal is stricken or voluntarily terminated, any supersedeas based on it shall terminate. The Prothonotary shall pay the deposits of rental to the party who sought possession of the real property.

***Explanatory Note:*** *Pa.R.C.P.M.D.J. No. 1008 is the source of this local rule. The content of the Note which appears immediately after Pa.R.C.P.M.D.J. No. 1008 explaining the various provisions has been edited as appropriate and is adopted as a Note to this local rule.*

***Note:*** *Subdivision (a) provides for an automatic supersedeas in appeals from civil actions upon receipt by the Municipal Court of a copy of the Notice of Appeal filed with the Prothonotary of the Court of Common Pleas.*

*Subdivisions (b) and (c), however, do require the deposit of money or approved bond as a condition for supersedeas where the appeal is from a judgment for the possession of real property. Subdivision (d) provides for appeals by indigent residential tenants who are unable to meet the bond requirements of subdivision (b) or (c).*

*The request for termination of the supersedeas, upon the praecipe filed with the Prothonotary, may simply state: "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" and will be signed by appellee. The Prothonotary will then note upon the praecipe: "Upon confirmation of failure of the appellant to deposit the monthly rent when it became due, the supersedeas is terminated," and the Prothonotary Clerk will sign and date and time stamp the praecipe. A copy of the praecipe may thereupon*

*be filed with the Municipal Court which rendered the judgment, and a request for issuance of an order for possession pursuant to Phila.M.C.R.Civ.P. No. 126 may be made.*

*The deposit of rent required is intended to apply in all cases, irrespective of the reasons which caused the filing of the complaint before the Municipal Court in the first instance. Disposition of the monthly rental deposits will be made by the Court of Common Pleas following its de novo hearing of the matter on appeal.*

*The money judgment portion of a landlord and tenant judgment would be governed by subdivision (a).*

***Adopted by the Board of Judges of the Court of Common Pleas on May 15, 2008. Promulgated by Order dated May 20, 2008. Effective thirty (30) days after publication in the Pennsylvania Bulletin.***

**ATTACHMENT 1**

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

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Plaintiff,	:	_____ TERM, 200__
	:	
	:	NO. _____
v.	:	
	:	
Defendant.	:	_____

**Landlord - Tenant Number**

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**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.

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

ATTACHMENT 2

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

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	:	_____ TERM, 200__
Plaintiff,	:	
	:	NO. _____
v.	:	
	:	_____
Defendant.	:	<b>Landlord - Tenant Number</b>

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**SECTION 8 TENANT'S SUPERSEDEAS AFFIDAVIT**

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

**ATTACHMENT 3**

**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 filed 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 *Section 8 Tenant’s Supersedeas Affidavit*, 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 D.

**OPTION 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 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 Prothonotary's office 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 non-payment 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 Prothonotary 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 non-payment 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 Prothonotary 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 Prothonotary’s 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.

**INCOME LIMITS**  
**FOR FILING SUPERSEDEAS**  
**AS A LOW INCOME TENANT\***

<b>Number of Persons in Household</b>	<b>Maximum Gross Monthly Income</b>	<b>Maximum Gross Yearly Income</b>
<b>One</b>	<b>\$ 2,167</b>	<b>\$ 26,000</b>
<b>Two</b>	<b>\$ 2,475</b>	<b>\$ 29,700</b>
<b>Three</b>	<b>\$ 2,788</b>	<b>\$ 33,450</b>
<b>Four</b>	<b>\$ 3,096</b>	<b>\$ 37,150</b>
<b>Five</b>	<b>\$ 3,342</b>	<b>\$ 40,100</b>
<b>Six</b>	<b>\$ 3,592</b>	<b>\$ 43,100</b>
<b>Seven</b>	<b>\$ 3,838</b>	<b>\$ 46,050</b>
<b>Eight</b>	<b>\$ 4,088</b>	<b>\$ 49,050</b>

\* The source of the attached schedule is the “Very Low (50%) Income Limits” for the Philadelphia-Camden-Wilmington, PA-NJ-DE-MD MSA, published by HUD, and which are used as the Eligibility Guidelines for the Section 8 Program administered by the Philadelphia Housing Authority. As the Guidelines are periodically updated by HUD, this Schedule will be administratively updated.

**ATTACHMENT 4**

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

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Plaintiff,	:	_____ TERM, 200__
	:	
v.	:	NO. _____
	:	
Defendant.	:	_____
	:	<b>Landlord – Tenant Number</b>

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**PRAECIPE REQUESTING TERMINATION OF SUPERSEDEAS**

**TO THE PROTHONOTARY:**

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]***

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**PROTHONOTARY**

## **PHILADELPHIA CIVIL RULE \*4003.8. PRE-COMPLAINT DISCOVERY**

**Rule \*4003.8. Pre-Complaint Discovery.** As authorized by Pa.R.C.P. Nos. 4003.8, a request for pre-complaint discovery, or an objection thereto, whether in the nature of discovery for preparation of pleadings (*see* Pa.R.C.P. No. 4001 (c)), or in the nature of written interrogatories and depositions for the purpose of preparing a complaint (*see* Pa.R.C.P. Nos. 4005 (a) and 4007.1 (c)) must comply with all requirements of *Non-Discovery Motions* as set forth in Phila.Civ.R. \*208.3(b)(2).

***Explanatory Note:** Pa.R.C.P. No. 4003.8 authorizes pre-complaint discovery. In order to create a full record, requests for pre-complaint discovery as well as objections to pre-complaint discovery commenced without court approval shall be drafted and assigned for disposition pursuant Phila.Civ.R. \*208.3(b)(2), the local rule which govern non-discovery motions and not through the less formal discovery process set forth in Phila.Civ.R. \*208.3(a)(4).*

*Adopted by the Board of Judges of the Court of Common Pleas on May 15, 2008. Promulgated by Order dated May 20, 2008. Effective thirty (30) days after publication in the Pennsylvania Bulletin.*