

Appeal Packet for Municipal Court Judgment

Can I appeal my judgment?

- You can only appeal a Municipal Court judgment if you went to your court hearing, had a trial before a judge and the judge ruled against you.
- If you went to your Municipal Court hearing and signed a Judgment by Agreement, then you must follow the agreement.
- If you missed your Municipal Court hearing, you must file a Petition to Open instead.

How do I fill out the appeal paperwork?

- **Print this packet.**
- **For every page:**
 - Write the Plaintiff's name (landlord), the Defendant's name (tenant)
 - For “_____ Term, 20__”, write the month of filing and the year of filing.
 - Sign on any line above the words “Defendant-Appellant.”
- **For the Notice of Appeal (page 4)**
 - Write your name and the date of the judgment.
 - For Type of Appeal, check the appropriate box.

- If you want to stop an eviction (Judgment for Possession):

___ Money Judgment only (30 days)			
<input checked="" type="checkbox"/>	Landlord – Tenant, residential lease; possession only or possession and money judgment (10 days)		
<input checked="" type="checkbox"/>	Supersedeas is requested	<input type="checkbox"/>	Supersedeas is not requested
<input type="checkbox"/>	Landlord – Tenant, residential lease; money judgment only (30 days)		

- If you only want to appeal money owed (Money Judgment Only):

<input type="checkbox"/>	Landlord – Tenant, residential lease; possession only or possession and money judgment (10 days)		
<input type="checkbox"/>	Supersedeas is requested	<input type="checkbox"/>	Supersedeas is not requested
<input checked="" type="checkbox"/>	Landlord – Tenant, residential lease; money judgment only (30 days)		

- **For the Non-Section 8 Supersedeas (page 6)**
 - Only fill out this page if you are not a Section 8 tenant.
 - Write your name and address.
 - Check box for whether you paid rent in the month you are filing.
- **For the Section 8 Supersedeas (page 7)**
 - Only fill out this page if you are a Section 8 tenant.
 - Write your name and address and rent amount.
 - Check box for whether you paid rent in the month you are filing.
- **Follow the instructions below to file 4 pages:** the Notice of Appeal (p. 4), Praecipe to File Complaint (p. 5), Supersedeas (p. 6 or 7), and Jury Trial Request (optional, p. 8).
- **If you are low-income**, you may also print and fill out a Petition to Proceed In Forma Pauperis (IFP) to file your appeal for free. https://www.courts.phila.gov/pdf/forms/30-1061-petition_to_proceed_in_forma_pauperis.pdf

How do I file the appeal?

1. **File on time.**
 - You have 10 calendar days to appeal a judgment for **possession** (eviction).
 - You have 30 calendar days to appeal a judgment for **money only**.
2. **File the appeal.**
 - **In person**
 - File the Appeal and IFP in person at City Hall Room 296.
 - You may get assistance at the [Elder Justice and Civil Resource Center](#) at City Hall Room 278.
 - **Online**
 - [Create a username](#) at fjdefile.phila.gov
 - Follow the prompts to file the Appeal and IFP.
 - You can sign documents you are uploading by typing /s/ and your name.
 - You can email ojr_civil@courts.phila.gov for help filing online.
 - **Phone**
 - Call 215-686-6652 or 215-686-6653 to get assistance filing online or to schedule an appointment to file the Appeal and [IFP](#) in person at City Hall Room 296.
3. **If you are low-income**, ask to file an In Forma Pauperis (IFP) to file your appeal for free.
4. **Escrow your rent.**
 - If you want to stop an eviction during the appeal, you must pay your rent each month to the court. If you are low-income and did not pay rent the month you are filing, you may pay 1/3 of your rent at the time you file the appeal and then pay the remaining 2/3 within 20 days.
 - If you are not low-income and did not pay rent the month you are filing, you must pay 3 months of rent to the court when you file the appeal or the amount of the Municipal Court judgment for rent.
 - Initial rent payments can be made online when filing the appeal. Ongoing rent payments should be made at City Hall Room 296.
5. **Serve the court papers.**
 - You must serve your landlord by personal service.
 - **Private Server** Have someone over 21 who is not a family member deliver the stamped court papers to the landlord and then fill out an Affidavit of Service (p. 11 & 12). File the completed Affidavit in City Hall Room 296 or online.
 - **Sheriff Server** If you filed an IFP and it was granted, you can take the stamped court papers to the Sheriff at 100 S Broad St, 5th Fl for service.
 - You may also serve your landlord by certified mail.
 - Send the stamped court papers and IFP to the landlord by certified mail, return receipt requested (approximately \$8).

What should I expect after I file the appeal?

1. **Review the Case Management Order**
 - When you file your appeal, the court will give you a case management order.
 - Put the dates of your Settlement Conference and Trial in your calendar.
2. **Complaint.**
 - After getting served, your landlord has **20 calendar days** to file a Complaint.
3. **Answer to Complaint.**
 - After your landlord serves you with the Complaint, you have **20 calendar days** to file an Answer in City Hall Room 296. Your Answer should respond to each of your landlord's claims against you. You must also mail the Answer to the landlord or landlord's attorney.
4. **Settlement Conference.**
 - You will have the opportunity to negotiate a Settlement Agreement with the landlord.
 - Settlement agreements are final and cannot be changed. **If you do not agree with the terms of an agreement, do not sign anything!**
5. **Trial.**
 - If you do not reach an agreement during the settlement conference, you will have a Trial in front of a judge. Bring all your documents and witnesses.

Name:
Address:

Phone:

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

:
:
: _____ Term, 20____
:
(Plaintiff) : No. _____
:
vs. :
:
: Municipal Court Case Number:
:
: _____
:
(Defendant) :
: _____

NOTICE OF APPEAL
Municipal Court

_____ who was the ___ plaintiff X defendant in the Municipal Court action referenced above, files this Notice of Appeal of the Municipal Court's order which was entered on the dockets of the Municipal Court on _____ as follows:

- Money Judgment only (30 days)
- Landlord – Tenant, residential lease; possession only or possession and money judgment (10 days)
- Supersedeas is requested Supersedeas is not requested
- Landlord – Tenant, residential lease; money judgment only (30 days)
- Landlord – Tenant, non-residential lease, possession or possession and money judgment (30 days)
- Supplementary Orders (30 days)

Defendant-Appellant

Name:
Address:

Phone:

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

:
:
: _____ Term, 20____
:
(Plaintiff) : No. _____
:
vs. :
:
Municipal Court Case Number:
:
:
:
(Defendant) :
:

PRAECIPE TO FILE COMPLAINT

TO THE PROTHONOTARY:

Please enter a Rule upon plaintiff to file a Complaint within 20 days hereof or suffer the entry of a Judgment of Non Pros.

Defendant/Attorney for Defendant

RULE TO FILE COMPLAINT

AND NOW, this _____ day of _____, 20____, a Rule is hereby granted upon plaintiff to file a Complaint herein within 20 days after service hereof or suffer the entry of a Judgment of Non Pros.

Prothonotary

Name:
Address:

Phone:

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

:
:
: _____ Term, 20____
:
(Plaintiff) : No. _____
:
vs. :
:
Municipal Court Case Number:
:
:
:
(Defendant) :

TENANT'S SUPERSEDEAS AFFIDAVIT (NON-SECTION 8)

I, _____ (PRINT NAME)

_____ (PRINT ADDRESS)

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

Defendant-Appellant

Name:
Address:

Phone:

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

_____	:	
	:	
	:	_____ Term, 20__
	:	
(Plaintiff)	:	No. _____
	:	
vs.	:	
	:	Municipal Court Case Number:
	:	_____
	:	
	:	
(Defendant)	:	
_____	:	

TENANT’S SUPERSEDEAS AFFIDAVIT (SECTION 8)

I, _____ (PRINT NAME)

_____ (PRINT ADDRESS)

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 lesser of three (3) times my monthly rent or the actual rent in arrears. 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.

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

Defendant-Appellant

Name:
Address:

Phone:

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

:
:
: _____ Term, 20____
:
(Plaintiff) : No. _____
:
vs. :
:
Municipal Court Case Number:
:
:
:
(Defendant) :
:

**DEMAND FOR A TRIAL
BY JURY OF TWELVE MEMBERS**

Defendant, _____, hereby requests a trial by a jury of twelve members plus two alternates.

The defendant is proceeding in forma pauperis in this matter and no fee is required.

Defendant-Appellant

Name:
Address:

Phone:

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

:
:
: _____ Term, 20____
:
(Plaintiff) : No. _____
:
vs. :
:
: Municipal Court Case Number:
:
: _____
:
(Defendant) :

AFFIDAVIT OF SERVICE

I, _____, (name of server) being properly sworn according to law, hereby depose and say that:

1. I am over 21 years of age.
2. On _____ (date) I served an attested copy of the Complaint in this matter and a copy of the Rule to Show Cause, Order and Petition for Special Injunction upon the defendants in this matter in the following manner:
 - (a) Upon defendant(s) [_____] by personally handing copies thereof to defendant(s) at approximately [____] p.m. at [_____]; and
 - (b) Upon defendant(s) [_____] by handing copies thereof to [_____] at his/her/their office and usual place of business at _____; and
 - (c) I have attempted to locate defendant [_____] and believe he/she is [_____]. When I attempted to serve Mr./Ms. [_____] at that location on [_____], I was told by [_____], who would neither affirm nor deny that Mr./Ms. [_____] was present. I

left copies of the Complaint, Rule, Order and Petition with [_____]
and asked that they be delivered to Mr./Ms. [_____].

Name of Server

Signature of Server

Sworn to and subscribed
before me this ____ day
of _____, [YEAR].

Notary Public

Name:
Address:

Phone:

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

:
:
: _____ Term, 20____
:
(Plaintiff) : No. _____
:
vs. :
:
: Municipal Court Case Number:
:
: _____
:
(Defendant) :
:

CERTIFICATION OF SERVICE

I, _____, hereby certify that I am this day serving by certified mail, return receipt requested, the foregoing notice of appeal upon the plaintiff and plaintiff's attorney of record, if any, as specified below.

Plaintiff or Plaintiff's Attorney: _____
Plaintiff or Plaintiff's Attorney Address: _____

Date

DEFENDANT-APPELLANT

COVER LETTER FOR SERVICE BY CERTIFIED MAIL

RE: _____ vs. _____

Municipal Court Case Number: _____

Dear _____,

Enclosed please find a copy of the Notice of Appeal, Rule to File Complaint, Jury Demand, Case Management Order, and a Petition to Proceed In Forma Pauperis in the above-captioned matter, which was filed on _____ in the Court of Common Pleas.

Should you wish to discuss this matter with me, please call me at _____.

Sincerely,

Date

Defendant-Appellant

Send certified mail, return receipt requested with the appeal paperwork filed and stamped by the Court of Common Pleas.

Name:
Address:

Phone:

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

	:	
	:	
	:	_____ Term, 20__
	:	
(Plaintiff)	:	No. _____
	:	
vs.	:	
	:	Municipal Court Case Number:
	:	
	:	_____
	:	
(Defendant)	:	
	:	

ANSWER