

Commonwealth of Pennsylvania  
Court of Common Pleas

2<sup>nd</sup> Judicial District

NOTICE OF APPEAL  
FROM  
DISTRICT JUSTICE 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 District Justice on the date and in the case mentioned below.

Name of Appellant \_\_\_\_\_

Mag. Dist. No. or Name of D.J. \_\_\_\_\_

Address of Appellant \_\_\_\_\_

City \_\_\_\_\_

State \_\_\_\_\_

Zip Code \_\_\_\_\_

Date of Judgment \_\_\_\_\_

In The Case Of (Plaintiff) \_\_\_\_\_

Vs. (Defendant) \_\_\_\_\_

Claim No. \_\_\_\_\_

CV \_\_\_\_\_

LT \_\_\_\_\_

Signature of Appellant or His Attorney or Agent \_\_\_\_\_

This block will be signed ONLY when this notation is required under Pa R.C.P.J.P. No. 1008B. This Notice of Appeal, when received by the District Justice, will operate as a SUPERSEDEAS to the Judgment for possession in this case.

\_\_\_\_\_  
Signature of Prothonotary or Deputy

**If appellant was Claimant (see Pa.R.C.P.J.P. No. 1001(6) in action before District Justice, he MUST FILE A COMPLAINT within twenty (20) days after filing his NOTICE OF APPEAL.**

**PRAECIPE TO ENTER RULE TO FILE COMPLAINT AND RULE TO FILE**

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

**PRAECIPE:** 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 service of rule or suffer entry of judgment of non pros.

\_\_\_\_\_  
Signature of Appellant or His Attorney or Agent

**RULE:** To \_\_\_\_\_, appellee(s)  
Name of 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 WILL BE ENTERED AGAINST YOU.

(3) The date of service of this rule, if service was by mail, is the date of mailing.

Date: \_\_\_\_\_, 20 \_\_\_\_\_

\_\_\_\_\_  
Signature of Prothonotary or Deputy

Court File / Court Proof of Service / Appellant's Copy / Appellee's Copy / District Justice

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

(This Proof of Service MUST BE FILED WITHIN TEN (10) DAYS AFTER filing the Notice of appeal. Check applicable boxes)

Commonwealth of Pennsylvania

County of \_\_\_\_\_; ss

**AFFIDAVIT:** I hereby swear or affirm that I served

a copy of the Notice of Appeal, Common Pleas No. \_\_\_\_\_, upon District Justice designnated therein on (date of service) \_\_\_\_\_, 20\_\_\_\_  by personal service  by certified/registered mail, sender's receipt attached hereto, and upon the appellee, (name) \_\_\_\_\_, on \_\_\_\_\_, 20\_\_\_\_  by personal service  by certified/registered mail, sender's receipt attached hereto.

and further that I served the Rule to File a Complaint accompanying the above Notice of Appeal upon the appellee(s) to whom the Rule was addressed on \_\_\_\_\_, 20\_\_\_\_  by personal service  by certified/registered mail, sender's receipt attached hereto.

SWORN (AFFIRMED) AND SUBSCRIBED BEFORE ME

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

\_\_\_\_\_  
Signature of Affiant

\_\_\_\_\_  
Signature of Official Before Whom Affidavit was made

\_\_\_\_\_  
Title of Official

My Commission Expires on \_\_\_\_\_, 20\_\_\_\_

## **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. (**You are the Appellant**)  
All information needed is found on the MDJ judgment. The caption stays the same (**Plaintiff vs Defendant**).
2. Make 3 copies of the appeal. If the Prothonotary office makes the copies for you, there will be a charge of **25 cents a page**.
3. File the appeal (original plus 3 copies) in the Prothonotary office with a copy of the judgment from the Magisterial District Court. Acceptable methods of payment - **Cash, Money Order or Check** in the amount of **\$129.75**. **After filing the appeal, it is strongly recommended that an attorney be consulted for the remaining litigation of the appeal.**
4. Serve the copies of the Notice of Appeal upon the opposing parties (**appellee**) and Magisterial District Court by personal service or certified mail.
5. Complete the Proof of Service form, make a copy and file the original in 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. Bring or mail the green cards with the case number on them to the Prothonotary office.

### **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). This consists of **3 months rent or the amount in arrears, whichever is less**. This information is found on the Magisterial District Court judgment. (There are different bond requirements for low income tenants)