PROTHONOTARY OF YORK COUNTY

Memo

To: All Appellants in Appeals from District Justice Judgments

From: Pamela S. Lee, Prothonotary

Date: 3/31/2015

Re: Getting Started – Filing and service of Notice of Appeal and Rule

---

- ✓ **You have been given a form, prepared by the Administrative Office of Pennsylvania Courts, for filing an appeal from the District Justices decision. YOU must complete the form. The staff of this office is precluded from assisting in the preparation of a legal document. The PA Rules of Civil Procedure precludes the Prothonotary from accepting an appeal for filing if the appeal period has lapsed. The calculation of the time for filing your appeal begins the day the judgment is entered by the D. J. (not from the time of the notice). The appeal periods are 10 days for possession of residential property and 30 days for a money judgment. The appeal period includes weekdays and weekends. If the last day falls on a day the courthouse is closed, the entire next day is counted as the last day.**

- ✓ **A filing fee of $225.00 is required at the time of filing the appeal. If this is a Landlord/Tenant appeal, you must pay three months rent or the amount in arrears, whichever is less, to the Prothonotary along with the $225.00 filing fee if you wish to stay in the property. We accept cash, money order or a business check but no personal checks. There are ATM machines near the Courthouse.**

- ✓ **After the form has been completed, present the completed form to a clerk at the counter. The clerk will assign a case number, issue the rule to file a complaint if appropriate, and time/date stamp the document. The clerk will keep the top white page along with a copy of the judgment transcript. You are responsible for serving the copies upon the DJ and the appellee. Each copy is marked accordingly. You have an option of how the appeal is served. You may choose certified mail or personal service. Proof of service of the appeal and/or rule must be filed with this office within 10 days of the filing of the appeal. The back of the green form is used for this purpose. Please fill it out accordingly. If service was made by certified mail the postal sender's green & white receipts must be attached. If you fill it out in person, we can notarize the form. If you plan on mailing the form in, you must have it notarized.**

- ✓ **If you are the plaintiff and filing the appeal you are the appellant, please fill out just the top of the form. You must file a complaint within 20 days of filing the appeal. You may contact an attorney or research the Rules of Civil Procedure for the preparation of the complaint.**

- ✓ **If you are the defendant and filing the appeal you will be the appellant, please fill both top and bottom of the form out. The following events may take place after filing:**

    a. **The Plaintiff/appellee has 20 days from the service date of mailing or hand delivery to file a complaint. If a complaint is filed, you must file a pleading in response to the complaint. You may contact an attorney or research the Rules of Civil Procedure for the preparation of the complaint. If a complaint is not filed, a default notice must be sent to the plaintiff. We can supply you with that form. It need only be served by first class mail; however, a copy and a certification that you mailed it must be filed with this office. You must wait ten days from mailing at which point you can request this office to enter Judgment Non Pros. We can provide you with this form and the fee is $29.00. Upon the entry of the Judgment Non Pros, the judgment entered by the D. J. is terminated.**