

## Instructions for Filing an Appeal from a District Justice Judgment Prothonotary's Office of York County

You have been given a form, prepared by the Administrative Office of Pennsylvania Courts, for filing an appeal from the District Justice's decision. You must complete the form. The staff of this office is not permitted to assist 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, weekends, and holidays. If the last day falls on a day the courthouse is closed, the entire next business day is counted as the last filing day.

A filing fee of \$238 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 \$238 filing fee if you wish to stay in the property. Within 30 days following the date of the appeal and each successive thirty day period thereafter you must deposit the monthly rent with the Prothonotary. The 30 day periods should be calculated from the date of the appeal. We accept cash, money orders, attorney checks, or credit cards, but no personal checks. There is an ATM in the courthouse. Late payments may result in the termination of the supersedeas that allowed you to stay in the property.

After the form has been completed, present it to a clerk at the counter in the Prothonotary's Office. 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 and white receipts must be attached. If you fill it out in person, sign it here and we can notarize the form. If you mail it in, you will have to 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 out the top and bottom of the form. The following events may take place after the filing. 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 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 that form. It need only be served by first class mail, but a copy of the notice and a certification that you mailed it must be filed with this office. You must wait 10 days from mailing at which point you can request this office to enter Judgment Non Pros. We can provide this form. The filing fee for this is \$30. Upon entry of the Judgment Non Pros, the judgment entered by the DJ is terminated.