



**Office of Judicial Records - Civil  
First Judicial District of Pennsylvania  
Court of Common Pleas, Trial Division**

## **Supplemental Instructions for Obtaining a Stay of Eviction**

A stay (supersedeas) lets you stay in the property during your appeal. The stay will suspend the Municipal Court judgment and will prevent your eviction until your case is heard by a judge and a final decision is made on the appeal.

To obtain a stay in your case you must pay the amount of the judgment entered against you in Municipal Court or three (3) months' rent whichever is less. You must pay this money into an escrow account with the Court of Common Pleas to remain in the property until your appeal is decided. If you fail to pay into escrow the required amount when it is due, the stay can be terminated upon the filing of a *Praecipe Requesting Termination of Supersedeas*, and you may be evicted before your appeal is heard.

Carefully read the options below to determine which situation applies to your case. Whether a money judgment was entered against you or not will determine how a stay will be achieved.

### **No Money Judgment**

If the amount of the money judgment entered in Municipal Court was "zero" or "nothing" you do not need to deposit anything on the day you file, the Notice of Appeal.

- You are required to make monthly rent deposits with the Court every thirty (30) days from the date the Notice of Appeal was filed. These deposits must be made every thirty (30) days until a final decision is made on the appeal. 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 each month.

### **Money Judgment**

If there was a money judgment entered against you in Municipal Court, answer the following questions to determine if money needs to be deposited at the time the Notice of Appeal is filed.

- Can you pay the amount of the money judgment, or three (3) months' rent?
  - If yes, you are required to pay whichever amount is less into an escrow account with the Court at the time the Notice of Appeal is filed.
    - Then you are required to make monthly rent deposits with the Court every thirty (30) days from the date the Notice of Appeal was filed. These deposits must be made every thirty (30) days until a final decision is made on the appeal. 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 each month.
  - If no, review this chart to see if you meet the income requirements to pay less than the money judgment or three (3) months' rent.

**2023 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>\$ 2,613.00</b>	<b>\$ 31,347.00</b>
<b>Two</b>	<b>\$3,534.00</b>	<b>\$42,398.00</b>
<b>Three</b>	<b>\$4,455.00</b>	<b>\$53,449.00</b>
<b>Four</b>	<b>\$5,375.00</b>	<b>\$64,500.00</b>
<b>Five</b>	<b>\$6,296.00</b>	<b>\$75,551.00</b>
<b>Six</b>	<b>\$7,217.00</b>	<b>\$86,602.00</b>
<b>Seven</b>	<b>\$8,138.00</b>	<b>\$97,653.00</b>
<b>Eight</b>	<b>\$9,059.00</b>	<b>\$108,704.00</b>
<b>For each additional person add</b>	<b>\$921.00</b>	<b>\$11,051.00</b>

\* Issued by the Federal Department of Health and Human Services

- If you meet the income requirements above to pay less, you must do the following:
  - Complete a Tenant’s Supersedeas Affidavit. You should complete the appropriate affidavit based on Section 8 or Non-Section 8 housing status.
  - Complete a Petition to Proceed In Forma Pauperis (a petition for low-income parties) to ask the Court of Common Pleas to waive the filing fees.
  - Did you pay your rent this month?
    - If yes, you do not have to pay money into an escrow account with the Court at the time of filing the Notice of Appeal.
      - Then you are required to make monthly rent deposits with the Court every thirty (30) days from the date the Notice of Appeal was filed. These deposits must be made every thirty (30) days until a final decision is made on the appeal. 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 each month.
    - If no, you need to pay money into an escrow account with the Court:
      - Pay one-third (1/3) of your monthly rent into an escrow account at the time of filing a Notice of Appeal.
      - Pay the remaining two-thirds (2/3) of your monthly rent into the escrow account by twenty (20) days of the date the Notice of Appeal was filed.
      - Pay the full amount of monthly rent by thirty (30) days on the date that the Notice of Appeal was filed.
      - Then you are required to make monthly rent deposits with the Court every thirty (30) days from the date the Notice of Appeal was filed. These deposits must be made every thirty (30) days until a final decision is made on the appeal. 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 each month.