



**Prothonotary
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SUPPLEMENTAL INSTRUCTIONS FOR OBTAINING A STAY OF EVICTION

**It is recommended that you seek legal counsel before filling out these forms. The information below is meant for informational purposes only and does not constitute legal advice. Please consult an attorney.*

FOR TENANTS – SUPERSEDEAS:

If you are a tenant and you filed the Notice of Appeal or Praecipe for Writ of Certiorari, you must pay money into an escrow account to remain on the property until your appeal or writ is decided. This is called a “supersedeas.” The supersedeas will suspend the Magisterial District Court Judgment and will prevent your eviction until your case is heard by a judge and a final decision is made on the appeal or writ. **IF YOU FAIL TO PAY YOUR MONTHLY RENT INTO ESCROW IN FULL AND ON TIME, YOU COULD BE EVICTED BEFORE YOUR APPEAL OR WRIT IS HEARD.**

Begin by looking at the income limits attached to these instructions.

If your income is below the income limits, complete a Tenant’s Affidavit, pursuant to Pa.R.C.P.M.D.J. No. 1008(C)(2) or 1013(C)(2). These affidavits are available on the website of the Unified Judicial System of Pennsylvania at <http://www.pacourts.us/forms/for-the-public>.

Then, follow the instructions for tenants with low income below. There are several different options available; pick the option (A, B, or C) that best describes your situation.

If your income is higher than the income limits attached to these instructions, follow the instructions for D.

- A. If you are a tenant with low income and there was a money judgment entered against you for non-payment of rent, and you **HAVE NOT** paid rent for the month in which the Notice of Appeal or Praecipe for Writ of Certiorari is filed, you must:
 - a. File an in forma pauperis petition (a petition for parties with low income) pursuant to Pa.R.C.P. No. 240;
 - b. Pay one-third of your monthly rent into an escrow account with the Prothonotary’s Office at the time the Notice of Appeal or Praecipe for Writ of Certiorari (“Praecipe”) is filed;

- c. Pay the remaining two-thirds of your monthly rent into the escrow account within twenty (20) days of the date the Notice of Appeal or Praeceptum was filed; and
 - d. Pay your monthly rent on an ongoing basis into the escrow account in thirty (30) day intervals from the date the Notice of Appeal or Praeceptum was filed until the time of your trial.
- B. If you are a tenant with low income and there was a money judgment against you for non-payment of rent, and you HAVE paid rent for the month in which the Notice of Appeal or Praeceptum for Writ of Certiorari (“Praeceptum”) is filed, you do not have to pay rent at the time you file your Notice of Appeal or Praeceptum. You must:
 - a. File an in forma pauperis petition (a petition for parties with low income) pursuant to Pa.R.C.P. No. 240;
 - b. Pay your monthly rent on an ongoing basis into an escrow account with the Prothonotary’s Office in thirty (30) day intervals from the date the Notice of Appeal or Praeceptum was filed until the time of trial. 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 a given month.
- C. If you are a tenant with low income and no money judgment was entered against you for non-payment of rent, you do not have to pay rent at the time you file your Notice of Appeal or Praeceptum for Writ of Certiorari (“Praeceptum”). *This option is to be used if at the Magisterial District Court hearing, the judge determined that you owed “zero” or “nothing” in rent.* You must:
 - a. File an in forma pauperis petition (a petition for parties with low income) pursuant to Pa.R.C.P. No. 240;
 - b. Pay your monthly rent on an ongoing basis into an escrow account with the Prothonotary’s Office in thirty (30) day intervals from the date the Notice of Appeal or Praeceptum was filed until the time of trial. 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 a given month.
- D. If your income is higher than the income limits on the attached chart, you must:
 - a. Pay the fee to file a Notice of Appeal or Praeceptum for Writ of Certiorari (“Praeceptum”);
 - b. Pay the lesser of three (3) months’ rent or the amount of rent awarded to the landlord in Magisterial District Court into an escrow account with the Prothonotary’s office at the time the Notice of Appeal or Praeceptum is filed; and
 - c. Pay your monthly rent on an ongoing basis into an escrow account with the Prothonotary’s Office in thirty (30) day intervals from the date the Notice of Appeal or Praeceptum was filed until the time of trial. 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 a given month.

2020 Poverty Income Guidelines, Expressed in Annual Amounts

2020 POVERTY GUIDELINES FOR THE 48 CONTIGUOUS STATES AND THE DISTRICT OF COLUMBIA

Persons in family/household

Poverty guideline

For families/households with more than 8 persons, add \$4,480 for each additional person.

1	\$12,760
2	\$17,240
3	\$21,720
4	\$26,200
5	\$30,680
6	\$35,160
7	\$39,640
8	\$44,120

2020 POVERTY GUIDELINES FOR ALASKA

Persons in family/household

Poverty guideline

For families/households with more than 8 persons, add \$5,600 for each additional person.

1	\$15,950
2	\$21,550
3	\$27,150
4	\$32,750
5	\$38,350
6	\$43,950
7	\$49,550
8	\$55,150

2020 POVERTY GUIDELINES FOR HAWAII

Persons in family/household

Poverty guideline

For families/households with more than 8 persons, add \$5,150 for each additional person.

1	\$14,680
2	\$19,830
3	\$24,980
4	\$30,130
5	\$35,280
6	\$40,430
7	\$45,580
8	\$50,730