



COUNTY OF MONTGOMERY

COURT HOUSE
PO BOX 311
NORRISTOWN, PENNSYLVANIA
19404-0311

OFFICE OF CLERK OF COURTS

CLERK OF COURTS
ANN THORNBURG WEISS
CHIEF DEPUTY
MICHAEL J. PASTON, ESQ.

SECOND DEPUTY
LINDA SULOCK

(610) 278-3346
FAX (610) 278-5188

www.coc.montcopa.org

MOTION TO FILE SUMMARY APPEAL NUNC PRO TUNC

A “Motion to File Summary Appeal Nunc Pro Tunc” must be filed if the 30 day time period for filing a Summary Appeal has expired. The purpose of the Motion is to request that the Court grant you permission to file a late Appeal. The 30 day time period runs from the date of the Magisterial District Justice’s ruling.

If your Motion is granted, then you can file a Summary Appeal.

The necessary paperwork for filing a Motion to File Summary Appeal Nunc Pro Tunc is available online at coc.montcopa.org by clicking on Forms and Information. You may also obtain copies of the paperwork at the Office of the Clerk of Courts on the second floor of the Court House.

A non-refundable fee of \$28.25 must be paid at the time of filing. This fee will not be refunded for any reason and will not be applied to any fines or costs or to the fee for filing a Summary Appeal if your motion is granted by the Court. Payment can be made in cash or by credit card (Visa, MasterCard and Discover only).

THE INSTRUCTIONS BELOW MUST BE FOLLOWED TO COMPLETE THE PAPERWORK

1. The first page of the paperwork is the Order for the Judge to sign after the hearing on your Motion. Type or print your name in the caption, near the top left side of the page, on the line above the word “Defendant.”
2. The second page of the paperwork is the Motion. You must again insert your name in the caption on the line above the word “Defendant.” At the top right of the caption, you will need to refer to the paperwork from the Magisterial District Court, and insert the Court Number and the Docket Number assigned to your case. The Docket Number will start with the letters NT or TR. **You should bring the paperwork from the Magisterial District**

Court with you when you come to the Clerk of Courts Office to file your Motion. In the blank space, below the document title, you must type or write an explanation of the reason you did not file your Summary Appeal within the time period provided by law and the reason that you want to appeal your conviction for the summary offense(s). Then sign and print your name and insert your address and telephone number on the remaining lines.

3. On the third page of the paperwork (the Certificate of Service) you must again insert your name in the caption on the line above the word "Defendant" and print your name again within the body of the document, after the word "I." The rest of this page will be completed later.
4. Bring an original and three copies of your Motion to File Summary Appeal Nunc Pro Tunc (all three pages) to the Clerk of Courts Office on the second floor of the Court House for filing. The original will be filed with the Clerk of Courts Office. The copies will be date/time stamped by the Clerk of Courts Office and returned to you so you can deliver one copy to the Court Administration Office, one copy to the District Attorney's Office, and keep the third copy for your records. The Court Administration and District Attorney's Offices are both in the Court House.
5. You will then go to the Court Administration Office, located on the second floor of the Court House. Hand one copy to the person at the counter, who will keep the copy and schedule a Court date for the hearing on your Motion to Appeal Nunc Pro Tunc.
6. You will need to insert the Court date provided to you by the Court Administration Office in the blank on the Certificate of Service attached to the remaining copies of your Motion, and sign and date them at the bottom. Remember to make a note of the hearing date, as you will need to attend the hearing.
7. Take the remaining copy to the District Attorney's Office on the fourth floor of the Court House. Before handing the copy of your Motion to the person behind the window, make sure that you completed and signed the Certificate of Service. Ask the person behind the window to stamp the Certificate of Service with the D.A.'s stamp.
8. Then return the signed, stamped Certificate of Service to the Clerk of Courts Office (where you started, on the second floor) for filing.
9. It is your responsibility to notify the Magisterial District Court that you have filed a Motion to File Summary Appeal Nunc Pro Tunc.
10. If your Motion to Appeal Nunc Pro Tunc is granted by the Judge at the hearing, you may then file a Summary Appeal. Instructions for filing a Summary Appeal and the required paperwork are available online at coc.montcopa.org and click on Forms and Information or in the Office of the Clerk of Courts on the second floor of the Court House.
The fee for filing the Summary Appeal is \$63.25.

If you have any questions, please contact the Clerk of Courts Office at 610-278-3346.