

**Instructions for Motion to File
Late Appeal in Landlord/Tenant Cases**

1. Complete the MOTION TO FILE LATE APPEAL.
2. If you do not have the money to pay for filing fees, complete the PETITION FOR LEAVE TO PROCEED IN FORMA PAUPERIS (IFP). If the Judge grants this Petition, you will not have to pay any filing fees.
3. Take your forms to the Housing Court Help Desk. The Housing Court Clerk will schedule your Motion to File Late Appeal for hearing.
4. The Housing Court Cashier will docket, time stamp, and write the LT case number on your Motion.
5. Housing Court staff will make three copies of your Motion.
6. Regarding the Motion to File Late Appeal, YOU MUST DO the following:
 - a. Serve (deliver) 1 copy to the Magisterial District Judge.
 - b. Serve (deliver) 1 copy to the landlord.
 - c. Keep 1 copy for yourself.
 - d. Return the original to the Housing Court Clerk.
7. You must serve (deliver) your Landlord and the Magisterial District Judge who originally heard the case with a copy of the Motion as required by the Certificate of Service you filled out on the last page of your Motion.
8. You must appear on the date and time scheduled, as shown on the front page of your Motion, to present your Motion to the Housing Court Judge.
9. If the Judge delays your eviction, you must immediately deliver a copy of that Order to the Magisterial District Judge who originally heard your case. This is the only way to prevent your eviction. If you fail to deliver the Order to the Magisterial District Judge, the eviction may still proceed as originally scheduled.

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

Plaintiff/Landlord

vs.

Defendant(s)/Tenants(s)

NOTICE OF PRESENTATION

Kindly take notice that the within **MOTION TO FILE LATE APPEAL** shall be presented before the Civil Division Housing Court Judge via teleconference at 412-677-0647 and enter Conference ID: 363 415 845# on

_____ at

_____ p.m.

CIVIL DIVISION

Case No. _____

Type of Pleading

MOTION TO FILE LATE APPEAL

Filed on behalf of:

(Name of the filing party)

____ Counsel of Record

____ Individual, if *Pro Se*

Name, Address, Telephone Number, and Email Address:

Attorney's State ID:

Attorney's Firm ID:

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

_____	CIVIL DIVISION
Plaintiff/Landlord	
vs	Case No. _____

Defendant(s)/Tenants(s)	

MOTION TO FILE LATE APPEAL

AND NOW comes the Movant, _____, and respectfully submits the within Motion as follows:

1. Defendant(s) is/are the tenant(s) of the subject property located at the following address:
Street: _____
City and Zip Code: _____
2. The above-listed property is the subject of a Landlord/Tenant action filed by Plaintiff at a Magisterial District Judge's office. The tenant is requesting permission to file a late appeal from the judgment of the Magisterial District Judge.
3. An eviction of the tenant(s) is currently scheduled for _____
(Date and Time of Eviction)

4. Tenant(s) request permission to file a late appeal for the following reasons:

WHEREFORE, the tenant(s) ask this Honorable Court to enter an order permitting the filing of a late appeal in the above-captioned matter.

Respectfully Submitted,

Date

Signature

Print Name

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

_____	CIVIL DIVISION
Plaintiff/Landlord	
vs	Case No. _____

Defendant(s)/Tenants(s)	

VERIFICATION

I, _____, certify that the facts contained in the foregoing Motion are true and correct to the best of my knowledge, information, and belief. I understand that false statements herein are subject to the penalties of 18 Pa.C.S. §4904 related to unsworn falsification to authorities.

_____	_____
<i>Date</i>	<i>Signature</i>

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

_____ Plaintiff/Landlord	CIVIL DIVISION
vs	Case No. _____
_____ Defendant(s)/Tenants(s)	

ORDER OF COURT

AND NOW, this _____ day of _____, 20____, it is hereby
ORDERED, ADJUDGED AND DECREED as follows:

1. Tenant's Motion to File Late Appeal is DENIED as to possession. This Order does not affect tenant's right to file a timely appeal as to money damages only.
2. Any prior stay of eviction issued by the Allegheny County Court of Common Pleas is hereby lifted, and:

_____ The eviction may proceed pursuant to the original Order of Possession issued by the Magisterial District Judge on the date listed on that Order of Possession. No additional service of the Order of Possession is required.

_____ The eviction may proceed on _____ under the original Order of Possession issued by the Magisterial District Judge. No additional service of the Order of Possession is required. This Order hereby stays the eviction until that date.

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BY THE COURT:

_____. J.

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

_____	CIVIL DIVISION
Plaintiff/Landlord	
vs	Case No. _____

Defendant(s)/Tenants(s)	

ORDER OF COURT

AND NOW, this _____ day of _____, 20____, it is hereby

ORDERED, ADJUDGED AND DECREED as follows:

1. Argument on tenant's Motion to File Late Appeal is set for/postponed until _____ at _____, and eviction is stayed pending that Argument. The Argument shall be held before the Housing Court Judge, via teleconference at
2. Unless a supersedeas or a further stay of eviction is obtained after the Argument scheduled above:
 - a. The stay of eviction in Paragraph 1 shall automatically be lifted, and
 - b. The eviction may proceed pursuant to the original Order of Possession issued by the Magisterial District Judge on the date listed on that Order of Possession or on the day after the Argument date listed in Paragraph 1, whichever date is later. No additional service of the Order of Possession is required.

BY THE COURT:

_____ J.	
Counsel for the Plaintiff(s):	Counsel for Defendant(s):
_____	_____

Confirmation of further Court orders are docketed and available for review on the website at https://dcr.alleghenycounty.us/Civil .
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IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

_____	CIVIL DIVISION
Plaintiff/Landlord	
vs	Case No. _____

Defendant(s)/Tenants(s)	

ORDER OF COURT

AND NOW, this _____ day of _____, 20____, it is hereby
ORDERED, ADJUDGED AND DECREED as follows:

1. Tenant's Motion to File Late Appeal is GRANTED, as tenant has demonstrated good cause.
2. Tenant has until the close of business on _____ to file the late appeal and obtain a supersedeas in accordance with Pa.R.C.P.M.D.J. No. 1008.
3. If tenant fails to obtain a supersedeas from the Department of Court Records by the close of business on the date listed above in Paragraph 2:

The eviction may proceed on _____ using the
original Order of Possession issued by the Magisterial District Judge. No
additional service of the Order of Possession is required.

4. This Order hereby stays the eviction until the date listed in Paragraph 3 above.

BY THE COURT:

_____ J.

Counsel for the Plaintiff(s):

Counsel for Defendant(s):

Confirmation of further Court Orders are docketed and available for review on the website at <https://dcr.alleghenycounty.us/Civil>.

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

_____	CIVIL DIVISION
Plaintiff/Landlord	
vs	Case No. _____

Defendant(s)/Tenants(s)	

ORDER OF COURT

AND NOW, this _____ day of _____, 20____, it is

ORDERED that:

BY THE COURT:

_____ J.

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

_____	CIVIL DIVISION
Plaintiff/Landlord	
vs	Case No. _____

Defendant(s)/Tenants(s)	

CERTIFICATE OF SERVICE

I hereby certify that I will serve a true and correct copy of this Motion **today** upon the Magisterial District Judge and the landlord in the following manner: (*Check appropriate box.*) **If the opposing side is represented by an attorney, the attorney should be served.**

First Class Mail	First Class Mail
Facsimile #: _____	Facsimile #: _____
Hand-Delivered	Hand-Delivered
Email Address	
Landlord/Landlord's Counsel:	Magisterial District Judge:
Name: _____	Name: _____
Address: _____	Address: _____
_____	_____
_____	_____
Email Address: _____	Telephone: _____
Telephone: _____	_____

Date _____ Signature _____

CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that requires filing confidential information and documents differently than non-confidential information and documents.

Submitted by: _____

Signature: _____

Print Name: _____

Attorney No. (if applicable): _____