

RULE 39-251. Appeal as Supersedeas

39-251.1. A notice of appeal or writ of certiorari from a judgment entered by a District Justice for possession of real property shall operate as a supersedeas only if the appellant files with the Prothonotary a bond, with surety approved by the Prothonotary, conditioned for the payment of any judgment for rent and for damages growing out of occupancy of or injury to the premises rendered against the appellant on appeal, or if in lieu of such bond, rental payments becoming due during the course of said appeal are deposited in escrow as provided in Rule 39-251.2.

39-251.2.

(a) When the appeal or certiorari is from a judgment of possession of real property, if the appellant deposits with the Prothonotary in advance the amount of rental coming due during the course of said appeal, then so long as said payments are made to the Prothonotary, said appeal or certiorari shall operate as a supersedeas. The Prothonotary shall deposit said rental payments in any bank or trust company in Franklin County (Fulton County for cases arising in Fulton County), Pennsylvania, in an escrow account for said purposes.

(b) The periodic rental payments shall be paid (in advance) for the weekly or monthly rental periods. Thus if rent had been paid weekly it will be paid weekly to the Prothonotary; if the rent had been paid monthly it will be paid monthly to the Prothonotary.

(c) Simultaneously with the filing of the appeal or certiorari: i) the appellant shall file with the Prothonotary a statement in the form attached hereto, setting forth the rental amount, the rental period, the date rent is due, and the date and amount of the most recent rental payment; and ii) if the appellant has not already paid the rent for the rental period that includes the date on which the appeal is filed, the appellant shall deposit with the Prothonotary the pro-rated amount of rent due from the date on which the appeal is filed through the end of the current rental period.

(d) If the appellant complies with Rule 39-251.2, the Prothonotary shall make upon the notice of appeal or certiorari and its copies a notation that it will operate as a supersedeas when received by the District Justice.

(e) Rent escrow deposits will be accepted by the Prothonotary's Office if they are made by way of cash, loan office check or cash equivalent such as certified check, banker's check, or money order. Personal checks will not be accepted unless they are from attorneys or law offices.