



**HOW TO FILE AN EVICTION COMPLAINT  
WITH A MAGISTERIAL DISTRICT JUDGE  
SELF-HELP KIT**

**REMEMBER**

*The law often changes. Each case is different. This self-help kit is meant to give you general information and not give you specific legal advice.*

# **WARNING**

**When you file a lawsuit against someone, they are much more likely to sue you in return.**

**If you decide to file, you must be prepared to defend yourself against claims the other side might make against you.**

## **GENERAL FILING INFORMATION FOR CIVIL COMPLAINTS**

Included in this packet you will find the addresses and contact information for the 6 Lycoming County Magisterial District Judge Offices and the 3 Clinton County Magisterial District Judge Offices. You may want to call the office to make sure you know in which office to file.

### **Where to File Your Civil Complaint**

All Landlord/Tenant Complaints must be filed in the Magisterial District that has jurisdiction over the property which is the subject of the lease.

### **Filing Costs for Civil Actions**

The MDJ will require a filing fee for all civil complaints, unless you cannot afford the fee, in which case it should be waived (see below). In addition to a filing fee, a separate fee must also be paid to “serve” the Complaint upon the defendant. A Civil Complaint can be served by either Certified Mail, Return Receipt Requested, Restricted Delivery, or by personal service through a constable. As the costs of service may vary depending on the method of service selected and the location of the defendant or real property, you are encouraged to contact the Magisterial District Judge Office where you will be filing your action to find out the actual filing and service costs involved in your case.

### **Waiver of Fees (also called “*in forma pauperis*” IFP)**

If you are considered low-income by legal aid, the filing fee should be waived, even if you are not being represented by legal aid. If you have not applied for legal aid or are not low-income under legal aid guidelines, you can still ask for a fee waiver. You must complete the IFO petition that is included with this packet and file it with your Complaint.

### **Forms**

The Administrative Office of Pennsylvania Courts (AOPC) has created complaint forms and IFP Petition forms that must be used. The Magisterial District Judge office may not accept a complaint if it is not presented on the appropriate state-approved form. A blank form for the Civil Complaint and the IFP Petition is included in this packet. You may also access fillable versions of these forms at [www.pacourts.us/forms/for-the-public](http://www.pacourts.us/forms/for-the-public)

## EVICTION ACTIONS BEFORE A MAGISTERIAL DISTRICT JUDGE

1. **Filing action:** If an individual wishes to file an eviction he must complete and file a "Landlord/Tenant Complaint" and a "Servicemembers Civil Relief Act Affidavit." The plaintiff must prepay the filing and service fees, unless they are waived. A hearing will then be scheduled.
2. **Time requirements:** Once the eviction is filed, the Magisterial District Judge will schedule a hearing date between 7 and 15 days from the Landlord/Tenant Complaint filing date.
3. **Service:** The Complaint will be mailed by the Magisterial District Judge by first class mail to the Defendant and will also be served on the Defendant by a constable (the Magisterial District Judge arranges for this service).
4. **Notice to Defend:** A Notice to Defend form will be mailed to the Defendant by the Magisterial District Judge and the defendant must tell the Court if he or she intends to defend against the Plaintiff's claim. This must be done by the time scheduled for the hearing.
5. **Hearing:** At the hearing, the Plaintiff must come prepared to prove his or her claim by a "preponderance of the evidence". Hearsay by third parties and affidavits are not admissible in court. Bills, estimates, receipts or statements of account may be introduced. All parties may request that the court issue subpoenas to witnesses compelling their attendance and testimony at the hearing. It is best to make this request in writing, stating the name and address of each witness to be subpoenaed. Amendments to a Complaint may be made only when the Defendant is present in Court and may cause a continuance.
6. **Claim by Defendant:** A Defendant may file a counterclaim against the Plaintiff, but must do so at least five (5) days before the date of the hearing. If the defendant files a counterclaim, the hearing will probably have to be rescheduled.
7. **Continuances:** A case may be postponed for up to ninety (90) days from the date the Complaint was filed, for good cause or by agreement. Only one continuance is allowed for each party, unless there is good cause shown.
8. **Decision/Judgment:** The Magisterial District Judge will render his/her Judgment at the conclusion of the hearing or within three (3) days.
9. **Possession:** If judgment for possession is entered in favor of the Plaintiff, the Defendant must vacate the premises within ten (10) days of the judgment.

10. **Appeal:** All parties have the right to appeal the judgment of the Magisterial District Judge by filing a Notice of Appeal in the Office of the Prothonotary, Lycoming County Courthouse, 48 West Third Street, Williamsport, PA. Appeal from the judgment of possession must be filed within **ten (10) days** of judgment (unless the tenant files a Domestic Violence Affidavit, then it is 30 days). Appeal from entry of any money judgment must be filed within **thirty (30) days** of judgment. Time is of the essence.

11. **Order For Possession:** If judgment for possession is entered in favor of the Plaintiff, and the Defendant does not file an appeal within ten days (or 30 days, if a Domestic Violence Affidavit is filed), and if the Defendant fails to vacate the premises, on the 11<sup>th</sup> day (or 31<sup>st</sup> day) the Plaintiff may file a Request for Order For Possession.

12. **Eviction:** A constable will serve the Order For Possession on the tenant, and will be able to evict the tenant if the tenant does not vacate the premises within ten days from the date of service.

**Lycoming County**

**29-1-01 Christian D. Frey  
605 W. Fourth Street  
Williamsport, PA 17701  
(570) 322-6159**

**29-3-02 Gary A. Whiteman  
542 County Farm Road  
Montoursville, PA 17754  
(570) 326-1714**

**29-1-02 Aaron S. Biichle  
48 W. Third Street  
Williamsport, PA 17701  
(570) 327-2275**

**29-3-01 Denise L. Dieter  
216 Market Street  
Jersey Shore, PA 17740  
(570) 398-4880**

**29-3-03 Kirstin A. Gardner  
2134 Route 405 Hwy  
Muncy, PA 17756  
(570) 546-7480**

**29-3-04 William C. Solomon  
2107 Lycoming Creek Road  
Williamsport, PA 17701  
(570) 323-9982**

## **CIVIL COMPLAINT FILING INSTRUCTIONS**

Once the Civil Complaint form is completed and signed, you need to make two copies for each defendant and one copy for yourself. You will be charged filing costs and service costs when the Complaint is filed at the office of the Magisterial District Judge, unless those costs are waived by the Judge. **NO CHANGES MAY BE MADE TO THE COMPLAINT FORM, EITHER IN CONTENT OR FORMAT.**

Mag. Dist. No:	
MDJ Name:	
Address:	
Telephone:	

NAME and ADDRESS

V.

NAME and ADDRESS

	AMOUNT	DATE PAID
FILING COSTS	\$	
POSTAGE	\$	
SERVICE COSTS	\$	
CONSTABLE ED.	\$	
TOTAL	\$	

Case Filed:





## REQUEST FOR ORDER FOR POSSESSION

Mag. Dist. No:

MDJ Name:

Address:

Telephone:

\_\_\_\_\_

v.

\_\_\_\_\_

Docket No:

Case Filed:

Time Filed:

Date Order Filed:

—

Judgment Amount	\$	_____
Costs in Original LT Proceeding	\$	_____
Costs in this Proceeding	\$	_____
Attorney Fees	\$	_____
<b>Total</b>	<b>\$</b>	_____

TO THE MAGISTERIAL DISTRICT JUDGE:

The Plaintiff(s) named below, having obtained a judgment for possession of real property located at:

\_\_\_\_\_

\_\_\_\_\_

Address if any:

\_\_\_\_\_

\_\_\_\_\_

Requests that you issue an ORDER FOR POSSESSION for such property.

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

Plaintiff: \_\_\_\_\_

Date: \_\_\_\_\_

Plaintiff Signature: \_\_\_\_\_





## IN FORMA PAUPERIS AFFIDAVIT PETITION

Mag. Dist. No:

MDJ Name:

Address:

Telephone:

VS.

Docket No:

Case Filed:

### STATEMENT OF THE PETITIONER

I hereby request that this Court permit me to proceed in forma pauperis (without payment of the filing fee). In support of this I state the following:

1. I am the plaintiff in the above matter and because of my financial condition am unable to pay the fee for filing this action.
2. I am unable to obtain funds from anyone, including my family and associates, to pay the costs of litigation.
3. I represent that the information below relating to my ability to pay the fees and costs, is true and correct.

#### NAME AND ADDRESS

NAME

ADDRESS 1

ADDRESS 2

CITY

STATE

ZIP

If you are presently employed, state employer:

NAME

ADDRESS 1

ADDRESS 2

CITY

STATE

ZIP

SALARY OR WAGES PER MONTH \$

#### TYPE OF WORK

If you are presently unemployed, state:

THE DATE OF MY LAST EMPLOYMENT WAS

SALARY OR WAGES PER MONTH \$

#### TYPE OF WORK

#### OTHER INCOME RECEIVED WITHIN THE PAST TWELVE MONTHS

BUSINESS OR PROFESSION \$ INTEREST \$

OTHER SELF-EMPLOYMENT \$ DIVIDENDS \$

PENSION AND ANNUITIES \$ SUPPORT PAYMENTS \$

SOCIAL SECURITY BENEFITS \$ DISABILITY PAYMENTS \$

WORKERS' COMPENSATION \$ PUBLIC ASSISTANCE \$

UNEMPLOYMENT COMPENSATION AND SUPPLEMENTAL BENEFITS \$

OTHER \$



**OTHER CONTRIBUTIONS TO HOUSEHOLD SUPPORT**

SPOUSE'S NAME	MY SPOUSE IS EMPLOYED
SPOUSE'S EMPLOYER	SALARY OR WAGES PER MONTH \$
TYPE OF WORK	
CONTRIBUTIONS FROM CHILDREN \$	CONTRIBUTIONS FROM PARENTS \$
OTHER CONTRIBUTIONS \$	

**PROPERTY OWNED**

CASH \$	CHECKING ACCOUNT \$
SAVINGS ACCOUNT \$	CERTIFICATES OF DEPOSIT \$
REAL ESTATE (INCLUDING HOME) \$	
MOTOR VEHICLE MAKE	YEAR
COST \$	AMOUNT OWED \$
STOCKS; BONDS \$	OTHER \$

**DEBTS AND OBLIGATIONS**

MORTGAGE \$	RENT \$
LOANS \$	OTHER \$

**PERSONS DEPENDENT UPON ME FOR SUPPORT**

SPOUSE NAME	
AGES OF MINOR CHILDREN, IF ANY	
OTHER PERSONS (NON-MINOR)	
NAME	RELATIONSHIP
NAME	RELATIONSHIP

4. I understand that I have a continuing obligation to inform the Court of improvement in my financial circumstances which would permit me to pay the costs incurred herein.
5. I verify that the statements made in this petition are true and correct. I understand that false statements herein are made subject to penalties of 18 Pa. C.S. § 4904, relating to unsworn falsification to authorities.
6. I certify that this filing complies with the provisions of the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania that require filing confidential information and documents differently than non-confidential information and documents.

Date: \_\_\_\_\_

Signature of Petitioner \_\_\_\_\_

Action by the Magisterial District Judge: \_\_\_\_\_

**SEAL**

Date \_\_\_\_\_

Magisterial District Judge \_\_\_\_\_



**SERVICEMEMBERS CIVIL  
RELIEF ACT AFFIDAVIT**



\_\_\_\_\_  
(Party name as displayed in case caption)

\_\_\_\_\_  
Docket/Case No.

Vs.

\_\_\_\_\_  
(Party name as displayed in case caption)

\_\_\_\_\_  
Court

I, \_\_\_\_\_, the undersigned, certify and declare as follows:

- 1) This affidavit is made pursuant to the Servicemembers Civil Relief Act (50 U.S.C. § 3931).
- 2) I am the plaintiff in the above-captioned matter.
- 3) As of the current date: (check one)
  - ☐ a) I have personal knowledge that the defendant named above is in military service.
  - ☐ b) I have personal knowledge that the defendant named above is **not** in military service.
  - ☐ c) I am unable to determine whether the defendant named above is in military service.
- 4) The following facts support the above statement (explain how you know the defendant is or is not in military service, or, if unable to make a determination, the steps you took to investigate the defendant's military status):

I verify that the statements herein are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of Section 4904 of the Crimes Code (18 Pa. C.S. § 4904) relating to unsworn falsification to authorities.

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

\_\_\_\_\_  
Signature

**NOTE:** For the definition of military service, see 50 U.S.C. § 3911(2).

The Servicemembers Civil Relief Act website (<https://scra.dmdc.osd.mil>) is a website maintained by the Department of Defense that may be used to determine the defendant's military status.

See 50 U.S.C. § 3931(c) for additional penalties for knowingly making or using a false affidavit.