

**PETITION FOR RELEASE OF  
SUMS (FOR LANDLORDS)**

**MOTION TO MAKE RULE  
ABSOLUTE**

**INSTRUCTIONS & FORMS**

***IT IS STRONGLY RECOMMENDED THAT  
YOU CONSULT AN ATTORNEY***

**DISCLAIMER**

**THE SELF-HELP CENTER STAFF AND COURT STAFF ARE NOT PERMITTED TO GIVE YOU LEGAL ADVICE. THE INFORMATION IN THIS PACKET IS NOT A SUBSTITUTE FOR PROFESSIONAL LEGAL ADVICE. THE COURT ASSUMES NO RESPONSIBILITY AND ACCEPTS NO LIABILITY FOR ACTIONS TAKEN BY USERS OF THESE DOCUMENTS, INCLUDING RELIANCE ON THEIR CONTENTS. IF YOU WANT TO OBTAIN THE SERVICES OF AN ATTORNEY BUT DO NOT KNOW WHOM TO CONTACT, YOU MAY CALL MIDPENN LEGAL SERVICES AT (717) 232-0581.**

# **INSTRUCTIONS**

While you are permitted to file legal papers and represent yourself in Court, it is **strongly recommended** that you seek the advice of an attorney.

Please read all forms and ensure that information is filled in all blank spaces except for the body and signature line of the Rule and Order. Failure to appropriately complete the form may result in a rejection causing you to need to re-file the forms, delay the proceedings, and possibly incur additional costs.

**This packet is intended for self-represented landlord plaintiffs where supersedeas has been terminated and judgment has been entered.**

**This form is NOT intended for collection of sums during the pendency of an appeal.**

## **FILING:**

The process for release of sums is a two-step process.

You must first file the Petition for Release of Sums with the Prothonotary. You will need an original and a copy plus a copy for your records and a copy to serve on each opposing party or counsel.

After filing, the petition will be processed by the Prothonotary and forwarded to Court Administration for assignment to a judge.

A judge will review the petition and may sign the Rule. A specific number of days for the opposing party to respond will be added into the body of the Rule by the judge. The Rule will be mailed to you.

You must serve the Rule upon the opposing parties or counsel.

If no one has responded to the Rule and the number of days set by the judge has elapsed since you served the Rule, you may then file the Motion to Make Rule Absolute with the Prothonotary. You will need an original and a copy plus a copy for your records and a copy to serve on each opposing party or counsel.

After filing, the motion will be processed by the Prothonotary and forwarded to Court Administration for assignment to a judge.

A judge will review the motion and may sign the Order. The Order will be mailed to you.

\_\_\_\_\_, : IN THE COURT OF COMMON PLEAS  
Plaintiff : DAUPHIN COUNTY, PENNSYLVANIA  
v. :  
\_\_\_\_\_, :  
Defendant : No. \_\_\_\_\_

**RULE**

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, a Rule is hereby issued upon Defendant to show cause why the relief requested in the Plaintiff's Petition shall not be granted.

Rule shall be returnable within \_\_\_\_ days of service of this Rule.

BY THE COURT:

\_\_\_\_\_  
J.

Distribution:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_, : IN THE COURT OF COMMON PLEAS  
Plaintiff : DAUPHIN COUNTY, PENNSYLVANIA  
 :  
v. :  
 :  
\_\_\_\_\_, :  
Defendant : No. \_\_\_\_\_

**PETITION REQUESTING RELEASE OF ESCROWED RENT**

AND NOW COMES Plaintiff \_\_\_\_\_, who respectfully represents as follows:

1. Plaintiff is an adult individual with a principal residence of \_\_\_\_\_  
\_\_\_\_\_.

2. Defendant, \_\_\_\_\_, is an adult individual with a principal residence of \_\_\_\_\_  
\_\_\_\_\_.

3. Plaintiff and Defendant entered into a lease agreement for a property located at \_\_\_\_\_  
The term of the lease was for \_\_\_\_\_.

4. As a result of Defendant's failure to make rental payments, Plaintiff filed an action at the Magisterial District Judge level against Defendant as a result of alleged breach of the Lease and received favorable judgment in the amount of \$ \_\_\_\_\_ on \_\_\_\_\_.

5. Defendant appealed that decision.
  
6. As a result of the appeal, Defendant paid a total of \$\_\_\_\_\_ to the Prothonotary's Office. The current rental balance in escrow at the Prothonotary's Office is \$\_\_\_\_\_.
  
7. On \_\_\_\_\_, Plaintiff filed a Praecipe to Terminate Supersedeas.
  
8. Authority for this Petition is found under Pa.R.C.P.M.D.J. 1008(b) and Dauphin County Local Rule 1008(b).

WHEREFORE, Plaintiff respectfully requests the Honorable Court to enter a Rule upon Defendant to Show Cause why the escrowed funds should not be released to Plaintiff.

Dated: \_\_\_\_\_

\_\_\_\_\_  
SIGNATURE OF PLAINTIFF

VERIFICATION

I, \_\_\_\_\_, verify that the statements made in this Petition are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Dated: \_\_\_\_\_

\_\_\_\_\_  
SIGNATURE OF PLAINTIFF

CERTIFICATION

I, \_\_\_\_\_, certify that this custody complaint 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.

Dated: \_\_\_\_\_

\_\_\_\_\_  
SIGNATURE OF PLAINTIFF

CERTIFICATE OF SERVICE

I, \_\_\_\_\_, certify that I have on this date caused a true and correct copy of the foregoing document to be served upon the person(s) set forth below by depositing same in U.S. Mail, postage prepaid, at the following address(es):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dated: \_\_\_\_\_

\_\_\_\_\_  
SIGNATURE OF PLAINTIFF

\_\_\_\_\_, : IN THE COURT OF COMMON PLEAS  
Plaintiff : DAUPHIN COUNTY, PENNSYLVANIA  
 :  
v. :  
 :  
\_\_\_\_\_, :  
Defendant : No. \_\_\_\_\_

**ORDER**

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, IT IS HEREBY  
ORDERED that the Plaintiff's Motion to Make Rule Absolute pursuant to  
Pa.R.C.P.M.D.J. No. 1008(b) is GRANTED.

The Prothonotary is directed to release all monies in its escrow account at this docket to  
the Plaintiff.

BY THE COURT:

\_\_\_\_\_  
J.

Distribution:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_, : IN THE COURT OF COMMON PLEAS  
Plaintiff : DAUPHIN COUNTY, PENNSYLVANIA  
v. :  
\_\_\_\_\_, :  
Defendant : No. \_\_\_\_\_

**MOTION TO MAKE RULE ABSOLUTE**

AND NOW COMES Plaintiff \_\_\_\_\_, who respectfully represents as follows:

1. Plaintiff is an adult individual with a principal residence of \_\_\_\_\_  
\_\_\_\_\_.
2. Defendant, \_\_\_\_\_, is an adult individual with a principal residence of \_\_\_\_\_  
\_\_\_\_\_.
3. Plaintiff and Defendant entered into a lease agreement for a property located at \_\_\_\_\_  
The term of the lease was for \_\_\_\_\_.
4. As a result of Defendant's failure to make rental payments, Plaintiff filed an action at the Magisterial District Judge level against Defendant as a result of alleged



breach of the Lease and received favorable judgment in the amount of

\$ \_\_\_\_\_ on \_\_\_\_\_.

5. Defendant appealed that decision.

6. As a result of the appeal, Defendant paid a total of \$ \_\_\_\_\_ to the Prothonotary's Office. The current rental balance in escrow at the Prothonotary's Office is \$ \_\_\_\_\_.

7. On \_\_\_\_\_, Plaintiff filed a Praecipe to Terminate Supersedeas.

8. On \_\_\_\_\_, Plaintiff filed a Petition Requesting Release of Escrowed Rent Pursuant to Pa.R.C.P.M.D.J. 1008(b) and Dauphin County Local Rule 1008(b).

9. On \_\_\_\_\_, a Rule was issued upon the Defendant to show cause why the relief requested in the Petition shall not be granted. The Rule was returnable within \_\_\_\_ days of service.

10. Based upon the Defendant not showing cause the Rule should not be made absolute, the Plaintiff is entitled to the funds held in the Prothonotary's escrow as rent due.

11. Authority for this Petition is found under Pa.R.C.P.M.D.J. 1008(b) and Dauphin County Local Rule 1008(b).

WHEREFORE, Plaintiff respectfully requests the Honorable Court to enter an Order that the Prothonotary shall release all money in escrow in this docket to Plaintiff.

Dated: \_\_\_\_\_

\_\_\_\_\_  
SIGNATURE OF PLAINTIFF

VERIFICATION

I, \_\_\_\_\_, verify that the statements made in this Petition are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Dated: \_\_\_\_\_

\_\_\_\_\_  
SIGNATURE OF PLAINTIFF

CERTIFICATION

I, \_\_\_\_\_, certify that this custody complaint 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.

Dated: \_\_\_\_\_

\_\_\_\_\_  
SIGNATURE OF PLAINTIFF

CERTIFICATE OF SERVICE

I, \_\_\_\_\_, certify that I have on this date caused a true and correct copy of the foregoing document to be served upon the person(s) set forth below by depositing same in U.S. Mail, postage prepaid, at the following address(es):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dated: \_\_\_\_\_

\_\_\_\_\_  
SIGNATURE OF PLAINTIFF