

APPENDIX A

NOTE: The poverty guideline figures below are NOT the figures the Census Bureau uses to calculate the number of poor persons.

The figures that the Census Bureau uses are the poverty thresholds.

2011 HHS Poverty Guidelines

Persons in Family	48 Contiguous States and D.C.	Alaska	Hawaii
1	\$10,890	\$13,600	\$12,540
2	14,710	18,380	16,930
3	18,530	23,160	21,320
4	22,350	27,940	25,710
5	26,170	32,720	30,100
6	29,990	37,500	34,490
7	33,810	42,280	38,880
8	37,630	47,060	43,270
For each additional person, add	3,820	4,780	4,390

SOURCE: *Federal Register*, Vol. 76, No. 13, January 20, 2011, pp. 3637-3638

APPENDIX B

IN THE COURT OF COMMON PLEAS OF [DELAWARE] COUNTY, PENNSYLVANIA

No.

vs

Praecipe for Notice of Intent to Attach Wages

To the Prothonotary:

Issue a Notice of Intent to Attach Wages in the above matter

(1) against _____, defendant,

(2) against _____, employer of the defendant

Date: _____

Attorney for Judgment Creditor-Landlord or
Judgment Creditor — Landlord if unrepresented

Certification by Judgment Creditor — Landlord

I certify that:

1. The plaintiff judgment-creditor is

Name

Address

2. The defendant judgment-Debtor is

Name

Address

3. The Employer garnishee is

Name

Address

4. The judgment arises out of a residential lease for the premises at _____ (address).

5. (a) The amount of the judgment is \$ _____.

(b) A security deposit in the amount of \$ _____ is being held by the judgment creditor-landlord. This security deposit

_____ has been applied

_____ has not been applied

to payment of rent due on the same premises for which the judgment has been entered. (Any security deposit that has not already been applied to rent will be deducted by the Prothonotary from the amount of the judgment in determining the amount to be attached)

The amount of \$ _____ has been paid toward satisfaction of the judgment. (Do not include security deposit)

6. This praecipe is filled within five years of the date of the original judgment upon which execution is sought.

7. The judgment was entered (check one)

_____ in an Civil action commenced in the court of common pleas.

_____ in an action brought before a magisterial district justice.

_____ in an action commenced in the Philadelphia Municipal Court.

8. Check the appropriate paragraph and attach the required documents:

_____(a) If the judgment was entered in a civil action (Pa.R.C.P.M.D.J 301 et seq.) before a magisterial district judge, a copy of the complaint filed with the magisterial district judge is attached to this notice, showing that the action arose from a residential lease.

_____(b) If the judgment was entered in an action for the recovery of possession of real property (Pa.R.C.P.M.D.J 301 et seq.) before a magisterial district judge, copies of the appropriate magisterial district judge records are attached showing that the action rose from a residential lease and that the defendant appeared or filed papers in the action or that the complaint was served by handing a copy to the defendant.

_____(c) If the judgment was entered in an action in the Philadelphia Municipal Court in which the defendant was served pursuant to Phila.M.C.R.Civ.P.No. 111(a) or (c), a copy of the

complaint filed with the Philadelphia Municipal Court is attached to this notice, showing that the action arose from a residential lease.

____(d) If the judgment was entered in an action in the Philadelphia Municipal Court in which the defendant was served pursuant to Phila.M.C.R.Civ.P.No. 111(b), copies of the appropriate Philadelphia

Municipal Court records are attached showing that the action arose from a residential lease and that the defendant appeared or filed papers in the action.

I certify that the statements made in this Certification 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.

Date: _____

Judgment Creditor-Landlord

APPENDIX C

IN THE COURT OF COMMON PLEAS OF [DELAWARE] COUNTY, PENNSYLVANIA

No.

vs

NOTICE OF INTENT TO ATTACH WAGES, SALARY OR COMMISSIONS

Date of service of this notice: _____ (Date to be inserted by Sheriff)

A judgment has been entered against you for nonpayment of rent for or damage to, residential property that you rented. The judgment creditor-landlord has begun proceedings to attach 10% of your net wages, salary or commissions for each pay period until the judgment is satisfied.

The following exception will prevent your wages from being attached:

Poverty Guidelines — Your wages may not be attached if your net income is below the poverty income guidelines provided annually by the federal Department of Health and Human Services or if the amount of the attachment would cause your net income to fall below the poverty income guidelines. A copy of the guidelines is attached to this notice.

If this exemption is applicable to you, you must return the claim for exemption of wages which is attached to the Prothonotary within 30 days of the date of service of this notice upon you. The date of service of this notice is set forth above. If you return the form claiming this exemption within 30 days, your wages will not be attached without subsequent court proceedings.

There may be other legal grounds for opposing the wage attachment that you may be able to raise by filing a motion with the court. For example, your wages may not be attached if you are an abused person or victim as set forth in Section 8127(t) of the Judicial Code when the attachment is to satisfy physical damages to the leased premises.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELLIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

LAWYERS REFERENCE SERVICE
FRONT AND LEMON STREETS
MEDIA, PENNSYLVANIA 19063
(610) 566-6625

(b) The claim for exemption from wage attachment shall be substantially in the following form:

APPENDIX D

**Supreme Court of Pennsylvania
Civil Procedural Rules Committee**

Poverty Income Guidelines

Pennsylvania Rule of Civil Procedure 3302(b) governs the attachment of wages, salary and commissions under Section 8127(a)(3.1) of the Judicial Code. The rule requires the prothonotary to attach to the Notice of Intent to Attach Wages "the most recent poverty income guidelines issued by the Federal Department of Health and Human Services as they appear on the web site of the Civil Procedural Rules Committee." The guidelines for 2011 are set forth in the following chart:

**2011 HHS Poverty Income Guidelines
Expressed in Monthly Amounts**

Size of Family Unit	Poverty Guideline Monthly Amount
1	\$907.50
2	1,225.83
3	1,544.16
4	1,862.50
5	2,180.83
6	2,499.16
7	2,817.50
8	3,135.83
For each additional person, add	318.33

APPENDIX E

IN THE COURT OF COMMON PLEAS OF [DELAWARE] COUNTY, PENNSYLVANIA

No.

VS

CLAIM FOR EXEMPTION FROM WAGE ATTACHMENT

Notice

This Claim for Exemption must be filed with the Prothonotary of the Court within 30 days of service Upon You of the Notice of Intent to Attach Wages.

To the Prothonotary:

I, the above-named defendant, claim exemption of my wages, salary or commissions from the attachment on the following ground:

___ My net monthly income is below the poverty income guidelines as provided by the Federal Department of Health and Human Services.

OR

___ The amount of wages to be attached would place my net income below the poverty income guidelines as provided annually by the Federal Department of Health and Human Services.

I have _____ dependents.

(Number)

My net monthly income is \$ _____.

(Net monthly income is your total monthly wages less (1) any support payments made to the court, (2) federal, state and local income taxes, (3) F.I.C.A. payments and nonvoluntary retirement payments. (4) union dues and (5) health insurance premiums.)

I certify that the statements made in this Claim for Exemption 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.

Date: _____

Defendant

This claim shall be delivered or mailed to:

Office of Judicial Support
Delaware County Courthouse
201 West Front Street
Media, PA 19063

APPENDIX F

IN THE COURT OF COMMON PLEAS OF [DELAWARE] COUNTY, PENNSYLVANIA

No.

vs

NOTICE OF CLAIM EXEMPTION OF WAGES FROM ATTACHMENT

To the above-named plaintiff:

The defendant in the above-captioned matter has filed a claim for exemption from attachment of his or her wages, salary or commissions. A copy of this claim is attached. If you wish to challenge the claim for exemption, you should file with the court a motion setting forth facts which show the defendant's net income is below the Federal Department of Health and Human Services poverty income guidelines or that the attachment will not cause the defendant's income to fall below those poverty income guidelines.

Date: _____

Prothonotary

APPENDIX G

IN THE COURT OF COMMON PLEAS OF [DELAWARE] COUNTY, PENNSYLVANIA

No.

vs

PRAECIPE FOR WRIT OF ATTACHMENT

I certify that the above named defendant has not timely filed a claim for exemption of wages for attachment, nor has there been an order of court issued pursuant to Rule 3303(c). I direct the Prothonotary to issue a Writ of Attachment.

Signature and ID#

Address and Phone Number

APPENDIX H

IN THE COURT OF COMMON PLEAS OF [DELAWARE] COUNTY, PENNSYLVANIA

No.

vs

Writ of Attachment of Wages, Salary or Commissions

Commonwealth of Pennsylvania:

County of _____:

To _____

Employer of Defendant: _____
Name

You have been identified as the employer of the above-named defendant. You are directed to withhold the wages, salary and commissions of the defendant in your possession to satisfy the judgment against the defendant.

You are notified that

1. an attachment of wages, salary and commissions has been issued;
2. you are ordered to withhold the wages, salary and commissions of the defendant in an amount per pay period which does not exceed ten (10) percent of the defendant's net wages, salary and commissions;

Net wages are all wages paid less only the following items: (1) any support payments made to the court, (2) federal, state and local income taxes, (3) F.I.C.A. payments and nonvoluntary retirement payments, (4) union dues and (5) health insurance premiums.

3. the total amount attached is \$ _____ and the withholding must continue until the amount of the attachment is satisfied;

4. the attached wages shall be sent to the Prothonotary of the court of common pleas within 15 days from the close of the last pay period in each month. The check must contain the name of the employee whose wages are being withheld,

be made payable to the Prothonotary, and

be sent to:

Office of Judicial Support
Delaware County Courthouse
201 West Front Street
Media, PA 19063

you are entitled to deduct each pay period from the money collected from the defendant employee the costs incurred from the extra bookkeeping necessary to record the transaction, not exceeding \$5.00 of the amount of money so collected.

by law, you may not take any adverse action against the defendant because his or her wages, salary or commissions have been attached.

you shall send the following notice to the Prothonotary if the defendant has never been or no longer is an employee:

I have received a Writ of Attachment in the following case:

_____, v. _____, No. _____ of _____
Plaintiff Defendant Year

The following person, _____, has never been (_____) or Is no longer an employee (_____).

Date: _____
Employer

Seal of the Court

Prothonotary

By: _____
Deputy