

C. Weber

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

RAESHONDRIA ALEXANDER,
Plaintiff

: CV-22-01002

vs.

ID WASHINGTON,
Defendant

.....

PROBATIONARY
2023 FEB 15 10 51 AM
CLERK OF COURT

OPINION AND ORDER

AND NOW, this 10th day of February 2023, the Court issues the following Opinion and Order addressing Plaintiff's Petition for Permission to File an Appeal of MDJ Judgment Nunc Pro Tunc, filed October 13, 2022.

On September 15, 2022, ID Washington Property Group ("ID Washington") filed a landlord/tenant action before Magistrate District Judge Aaron S. Biichle. On September 27, 2022, a hearing was held before MDJ Biichle, at which time Raeshondria Alexander ("Alexander") failed to appear. MDJ Biichle entered a judgment in favor of ID Washington in the amount of \$1,547.00.¹ MDJ Biichle granted ID Washington possession should Alexander fail to satisfy the money judgment by the time of eviction. Neither party appealed this decision by the October 7, 2022 deadline.²

¹ This amount consists of \$1,400 for "Rent in Arrears" and \$157 for costs.

² Pa. R.C.P.M.D.J. 1002(B)(1) provides that "part[ies] aggrieved by a judgment for the delivery of possession of real property arising out of a residential lease" may file an appeal with 10 days of the entry of judgment.

On October 13, 2022, Alexander filed a Petition to Appeal the September 27, 2022 Judgment Nunc Pro Tunc. In the Petition, Alexander acknowledged that the deadline for the appeal was October 7, 2022, but did not elaborate on her reason for missing this deadline. The Court scheduled a hearing on the Petition for December 23, 2022.

At the hearing, Alexander appeared by video from the Clinton County Prison.³ No representative from ID Washington appeared.⁴ Alexander testified that the residence at issue, where she lived prior to the MDJ judgment and where she continues to reside, is Apartment 23 in a building containing multiple numbered apartments with doors opening into an interior hallway. She stated that she did not receive notice of the September 27, 2022 hearing in front of MDJ Biichle until after it had occurred. Alexander testified that another resident of the apartment building handed her the notice on September 27, 2022 after the hearing had occurred, explaining to her that the notice had been taped to the front doorway of the building. Alexander affirmed that she did not receive verbal notice of the hearing, and did not receive notice in the mail.

³ Alexander stated that she had been incarcerated the previous day for a probation matter unrelated to this case, and had been transferred from Lycoming County Prison to Clinton County Prison due to overcrowding.


⁴ The Court notes that it mailed the October 27, 2022 Order scheduling this hearing to "ID Washington Property Group" at P.O. Box 1472, Williamsport, PA, which is ID Washington's address of record in the underlying MDJ action.

Because Alexander has satisfied the three requirements for filing an appeal from a magisterial judgment nunc pro tunc, the Court GRANTS her Petition.

Alexander must file a Notice of Appeal within twenty (20) days of the date of this Order, and serve it upon ID Washington in accordance with the Pennsylvania Rules of Procedure for Magisterial District Judges. This Notice of Appeal may be filed to this docket number, CV-22-01002. Because Alexander is the Defendant in the action below, the caption is hereby AMENDED to conform with the underlying action, with ID Washington Property Group as Plaintiff and Raeshondria Alexander as Defendant.

IT IS SO ORDERED.

BY THE COURT,



Eric R. Linhardt, Judge

ERL/jcr

cc: ID Washington Property Group
PO Box 1472, Williamsport, PA 17701
Raeshondria Alexander
845 Park Avenue, Apartment 23, Williamsport, PA 17701
Magisterial District Judge Aaron S. Biichle
Prothonotary
Gary Weber, Esq. (Lycoming Reporter)