

Rule 1737. [Objections to Security.] Modification of Terms of *Supersedeas*

(a) The **[lower]trial** court or the appellate court, may at any time, upon application of any party and after notice and opportunity for hearing[, **upon cause shown**]:

(1) **[R]**require security of a party otherwise exempt from the requirement of filing security[, **or increase, decrease or eliminate the amount of any security which has been or is to be filed.**] **upon cause shown**;

(2) **[S]**strike off security improperly filed[.];

(3) **[P]**permit the substitution of surety and enter an exoneration of the former surety[.]; **or**

(4) increase, decrease, eliminate, or otherwise alter the amount or type of any security that has been or is to be filed by a party, upon cause shown for the modification.

(b) The parties may at any time stipulate to the type or amount of security and, upon filing, such a written stipulation will act to set the terms of a *supersedeas* of the judgment to the same extent as would an order of the court.

Official Note:

The amount of automatic *supersedeas* of money judgments has been set at 120 percent of the verdict, and in most instances that amount will assure payment of a judgment and interest accrued during an appeal without imposing undue hardship on an appellant. See Pa.R.A.P. 1731. Nonetheless, there may be circumstances in which it would be appropriate for a court to modify the default approach to security, either in type, method, or time for posting, or in amount. Courts have the discretion to increase or decrease and to eliminate the requirement that security be posted, based upon the proofs offered by the parties. The parties by agreement may also determine to modify the amount or type of *supersedeas*, particularly given that Pa.R.A.P. 2771 provides for the premium paid for the cost of *supersedeas* bonds or other appellate bonds to be taxable as a cost on appeal.

A party may seek appellate review of an order resolving an application under this rule. See Pa.R.A.P. 1732 and Pa.R.A.P. 3315.