

2000 SESSION

INTRODUCED

002288246

SENATE BILL NO. 59

Offered January 12, 2000

A BILL to amend and reenact § 8.01-32 of the Code of Virginia, relating to action on lost evidences of debt; indemnifying bond.

Patron—Trumbo

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-32 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-32. Action on lost evidences of debt; indemnifying bond.

A civil action may be maintained on any past due lost bond, note, or other written evidence of debt, and if judgment ~~be~~ *is* rendered for the plaintiff, there shall be entered as a part of the judgment that the plaintiff is not to have the benefit thereof, nor be allowed to enforce it by execution or otherwise, unless and until he shall have first entered into bond before the court or the clerk therein in such penalty as is prescribed in the judgment, and with condition to indemnify and save harmless the defendant from all loss or damage he may sustain or incur by reason of having to pay in whole or in part such past due lost bond, note, or other written evidence of debt to some other person than the plaintiff. The indemnifying bond hereinbefore required shall be payable to the defendant, and shall be filed in the clerk's office of the court in which the judgment is rendered.

In the event of any inconsistency between this section and any applicable provisions of ~~§ 8.3-804~~ § 8.3A-309, the provisions of that section shall control.

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