

# VIRGINIA ACTS OF ASSEMBLY -- 2003 SESSION

## CHAPTER 125

*An Act to amend and reenact § 8.01-32 of the Code of Virginia, relating to lost evidences of debt.*

[H 1840]

Approved March 16, 2003

**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.

A. A civil action may be maintained on any ~~past due~~ *past-due* lost bond, note, *contract*, *open account agreement*, or other written evidence of debt, and if judgment 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 *provided the plaintiff verifies under oath either in open court or by affidavit that said bond, note, contract, open account agreement, or other written evidence of debt has been lost or destroyed.*

B. *Where a true and accurate copy of the written evidence of debt exists, which copy was produced in the normal course of business, the court shall accept such copy into evidence and shall give effect to its terms as if the original had been placed into evidence.*

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