

2004 SESSION

INTRODUCED

046405484

HOUSE BILL NO. 46

Offered January 14, 2004

Prefiled December 2, 2003

A BILL to amend and reenact § 8.01-129 of the Code of Virginia, relating to appeals from general district court.

Patron—Reese

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-129 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-129. Appeal from judgment of general district court.

An appeal shall lie from the judgment of a general district court, in any proceeding under this article, to the circuit court in the same manner and with like effect and upon like security as appeals taken under the provisions of § 16.1-106 et seq. except as specifically provided in this section. The appeal shall be taken within ~~ten~~ 10 days and the security approved by the court from which the appeal is taken. Notwithstanding the provisions of § 16.1-106 et seq. the bond shall be posted and the writ tax paid within ~~ten~~ 10 days of the date of the judgment. Unless otherwise specifically provided in the court's order, no writ of execution shall issue on a judgment for possession until the expiration of this ~~ten~~ 10-day period, except in cases of judgment of default (i) *wherein the case arises out of a trustee's deed following foreclosure, or* (ii) for the nonpayment of rent where the writ of execution shall issue immediately upon entry of judgment for possession, if requested by the plaintiff. When the appeal is taken by the defendant, he shall be required to give security also for all rent which has accrued and may accrue upon the premises, but for not more than one year's rent, and also for all damages that have accrued or may accrue from the unlawful use and occupation of the premises for a period not exceeding three months. Trial by jury shall be had upon application of any party.

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