

2004 SESSION

INTRODUCED

040521296

HOUSE BILL NO. 832

Offered January 14, 2004

Prefiled January 14, 2004

A BILL to amend and reenact § 8.01-322 of the Code of Virginia, relating to rehearings; condemnation.

Patron—Drake

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-322 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-322. Within what time case reheard on petition of party served by publication, and any injustice corrected.

If a party against whom service by publication is had under this chapter did not appear before the date of judgment against him, then such party or his representative may petition to have the case reheard, may plead or answer, and may have any injustice in the proceeding corrected within the following time and not after:

1. Within two years after the rendition of such judgment, decree or order; but

2. If the party has been served with a copy of such judgment, decree, or order more than a year before the end of such two-year period, then within one year of such service.

In condemnation cases, including those involving authorities created pursuant to § 36-4, a case shall be reopened only to allow the owner to contest the amount of just compensation.

For the purpose of subdivision 2 of this section, service may be made in any manner provided in this chapter except by order of publication, but including personal or substituted service on the party to be served, and personal service out of the Commonwealth by any person of ~~eighteen~~ 18 years or older and who is not a party or otherwise interested in the subject matter in controversy.

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HB832