

050234484

HOUSE BILL NO. 1518

House Amendments in [] - January 27, 2005

A *BILL to amend and reenact § 8.01-128 of the Code of Virginia, relating to verdict and judgment; damages.*

Patron Prior to Engrossment—Delegate Reese

Referred to Committee for Courts of Justice**Be it enacted by the General Assembly of Virginia:****1. That § 8.01-128 of the Code of Virginia is amended and reenacted as follows:**

§ 8.01-128. Verdict and judgment; damages.

A. If it ~~appear~~ *appears* that the plaintiff was forcibly or unlawfully turned out of possession, or that it was unlawfully detained from him, the verdict or judgment shall be for the plaintiff for the premises, or such part thereof as may be found to have been so held or detained. The verdict or judgment shall also be for such damages as the plaintiff may prove to have been sustained by him by reason of such forcible or unlawful entry, or unlawful detention, of such premises, and such rent as he may prove to have been owing to him, provided such damages and rent claimed shall not exceed the jurisdictional amount of the court in which the action is tried.

B. *The plaintiff may, alternatively and at his sole option, receive a final judgment by the court for possession of the property unlawfully entered or unlawfully detained, be issued the appropriate writ of possession, and continue the case for a period of up to 90 days for the purpose of establishing final rent, damages, and other amounts as provided under the lease or Virginia law, provided such rent or damages claimed shall not exceed the jurisdictional amount of the court in which the action is tried. [The plaintiff shall, at least 15 days prior to the continuance date authorized under this section, mail a notice to the defendant, at the defendant's last known address, advising of (i) the continuance date; (ii) the amounts of final rent, damages, and fees claimed, if known; and (iii) that the plaintiff is seeking judgment for such additional sums.]*

C. No ~~such~~ verdict or judgment rendered under this section shall bar any separate concurrent or future action for any such damages or rent as may not be so claimed.

ENGROSSED

HB1518E