

053761484

HOUSE BILL NO. 1518

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee for Courts of Justice
on February 16, 2005)

(Patron Prior to Substitute—Delegate Reese)

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

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, receive a final, appealable judgment for possession of the property unlawfully entered or unlawfully detained and be issued a writ of possession, and continue the case for up to 90 days to establish final rent and damages. If under this section an appeal is taken as to possession, the entire case shall be considered appealed. The plaintiff shall, in the instance of a continuance taken under this section, mail to the defendant at the defendant's last known address at least 15 days prior to the continuance date a notice advising of (i) the continuance date; (ii) the amounts of final rent and damages; and (iii) that the plaintiff is seeking judgment for additional sums. A copy of such notice shall be filed with the court.*

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.