

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 16.1-107 of the Code of Virginia, relating to appeal bonds; unlawful*
3 *detainer; indigents.*

4
5 Approved

[H 99]

6 **Be it enacted by the General Assembly of Virginia:**

7 **1. That § 16.1-107 of the Code of Virginia is amended and reenacted as follows:**

8 § 16.1-107. Requirements for appeal.

9 No appeal shall be allowed unless and until the party applying for the same or someone for him
10 shall give bond, in an amount and with sufficient surety approved by the judge or by his clerk if there
11 is one, to abide by such judgment as may be rendered on appeal if such appeal is perfected, or if not so
12 perfected or if withdrawn pursuant to § 16.1-106.1, then to satisfy the judgment of the court in which it
13 was rendered. Such bond shall be posted within 30 days from the date of judgment, except for an appeal
14 from the judgment of a general district court on an unlawful detainer pursuant to § 8.01-129. However,
15 no appeal bond shall be required of a plaintiff in a civil case where the defendant has not asserted a
16 counterclaim, the Commonwealth or when an appeal is proper to protect the estate of a decedent, an
17 infant, a convict, or an insane person, or the interest of a county, city, town or transportation district
18 created pursuant to Chapter 45 (§ 15.2-4500 et seq.) of Title 15.2. In all civil cases, except trespass,
19 ejectment, *unlawful detainer against a former owner based upon a foreclosure against that owner*, or
20 any action involving the recovering rents, no indigent person shall be required to post an appeal bond.
21 *In cases of unlawful detainer against a former owner based upon a foreclosure against that owner, a*
22 *person who has been determined to be indigent pursuant to the guidelines set forth in § 19.2-159 shall*
23 *post an appeal bond within 30 days from the date of judgment.*

24 If such bond is furnished by or on behalf of any party against whom judgment has been rendered for
25 money or property or both, the bond shall be conditioned for the performance and satisfaction of such
26 judgment or order as may be entered against such party on appeal, and for the payment of all costs and
27 damages which may be awarded against him in the appellate court. If the appeal is by a party against
28 whom there is no recovery except for costs, the bond shall be conditioned for the payment of such costs
29 and damages as may be awarded against him on the appeal.

30 In addition to the foregoing, any party applying for appeal shall, within 30 days from the date of the
31 judgment, pay to the clerk of the court from which the appeal is taken the amount of the writ tax of the
32 court to which the appeal is taken and costs as required by subdivision A 13 of § 17.1-275, including all
33 fees for service of process of the notice of appeal in the circuit court pursuant to § 16.1-112.

ENROLLED

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