

2014 SESSION

INTRODUCED

14100212D

HOUSE BILL NO. 249

Offered January 8, 2014

Prefiled December 29, 2013

A *BILL to amend and reenact § 8.01-433 of the Code of Virginia, relating to setting aside judgments confessed.*

Patron—Surovell

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-433 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-433. Setting aside judgments confessed under § 8.01-432.

Any judgment confessed under the provisions of § 8.01-432 may be set aside or reduced upon motion of the judgment debtor made within twenty-one days following notice to him that such judgment has been entered against him, and after twenty-one days notice to the judgment creditor or creditors for whom the judgment was confessed, on any ground which would have been an adequate defense or setoff in an action at law instituted upon the judgment creditor's note, bond or other evidence of debt upon which such judgment was confessed. Whenever any such judgment is set aside or modified the case shall be placed on the trial docket of the court, and the proceedings thereon shall thereafter be the same as if an action at law had been instituted upon the bond, note or other evidence of debt upon which judgment was confessed. *Such proceeding shall be considered a continuation of the original confession of judgment proceeding and shall maintain the same case number as the original proceeding. No additional fee shall be charged for the docketing of such case.* After such case is so docketed the court shall make such order as to the pleadings, future proceedings and costs as to the court may seem just.

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