

VIRGINIA ACTS OF ASSEMBLY -- 2020 SESSION

CHAPTER 1049

An Act to amend and reenact § 16.1-106 of the Code of Virginia, relating to appeals of right in general district court; appeals of final orders or judgments entered in the same action or related action.

[S 545]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 16.1-106 of the Code of Virginia is amended and reenacted as follows:

§ 16.1-106. Appeals from courts not of record in civil cases.

A. From any order entered or judgment rendered in a court not of record in a civil case in which the matter in controversy is of greater value than \$20, exclusive of interest, any attorney fees contracted for in the instrument, and costs, or when the case involves the constitutionality or validity of a statute of the Commonwealth, or of an ordinance or bylaw of a municipal corporation, or of the enforcement of rights and privileges conferred by the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), or of a protective order pursuant to § 19.2-152.10, or of an action filed by a condominium unit owners' association or unit owner pursuant to § 55.1-1959, or of an action filed by a property owners' association or lot owner pursuant to § 55.1-1819, *or from any order entered or judgment rendered in a general district court that alters, amends, overturns, or vacates any prior final order*, there shall be an appeal of right, if taken within 10 days after such order or judgment, to a court of record. Such appeal shall be to a court of record having jurisdiction within the territory of the court from which the appeal is taken and shall be heard de novo.

B. *If any party timely notices an appeal as provided by subsection A, such notice of appeal shall be deemed a timely notice of appeal by any other party on a final order or judgment entered in the same or a related action arising from the same conduct, transaction, or occurrence as the underlying action; however, all parties will be required to timely perfect their own respective appeals by giving a bond and the writ tax and costs, if any, in accordance with § 16.1-107.*

If an appeal is noted and perfected after the sheriff has served the notice of intent to execute a writ of eviction, which is required to be served at least 72 hours before such eviction in accordance with law, the party noting or noting and perfecting such appeal shall notify the sheriff of such appeal.

C. The court from which an appeal is sought may refuse to suspend the execution of a judgment that refuses, grants, modifies, or dissolves an injunction in a case brought pursuant to § 2.2-3713 of the Virginia Freedom of Information Act. A protective order issued pursuant to § 19.2-152.10, including a protective order required by § 18.2-60.4, shall remain in effect upon petition for or the pendency of an appeal or writ of error unless ordered suspended by the judge of a circuit court or so directed in a writ of supersedeas by the Court of Appeals or the Supreme Court.