

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

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

4
5 Approved

[S 545]

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

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

8 **§ 16.1-106. Appeals from courts not of record in civil cases.**

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

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

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

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

ENROLLED

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