

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 16.1-107 of the Code of Virginia, relating to requirements for appeal.*

3 [H 1845]

4 Approved

5 **Be it enacted by the General Assembly of Virginia:**6 **1. That § 16.1-107 of the Code of Virginia is amended and reenacted as follows:**

7 § 16.1-107. Requirements for appeal.

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11 perfected or if withdrawn pursuant to § 16.1-106.1, then or in an amount sufficient to satisfy the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

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

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

ENROLLED

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