

VIRGINIA ACTS OF ASSEMBLY — CHAPTER

An Act to amend and reenact §§ 16.1-77 and 16.1-107 of the Code of Virginia, relating to district courts; attorney fees.

[S 1342]

Approved

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-77 and 16.1-107 of the Code of Virginia are amended and reenacted as follows:

§ 16.1-77. Civil jurisdiction of general district courts.

Except as provided in Article 5 (§ 16.1-122.1 et seq.), each general district court shall have, within the limits of the territory it serves, civil jurisdiction as follows:

(1) Exclusive original jurisdiction of any claim to specific personal property or to any debt, fine or other money, or to damages for breach of contract or for injury done to property, real or personal, or for any injury to the person that would be recoverable by action at law or suit in equity, when the amount of such claim does not exceed \$4,500 exclusive of interest and any ~~attorney's attorney fees contracted for in the instrument~~, and concurrent jurisdiction with the circuit courts having jurisdiction in such territory of any such claim when the amount thereof exceeds \$4,500 but does not exceed \$25,000, exclusive of interest and any ~~attorney's attorney fees contracted for in the instrument~~. However, this \$25,000 limit shall not apply with respect to distress warrants under the provisions of § 55-230, cases involving liquidated damages for violations of vehicle weight limits pursuant to § 46.2-1135, nor cases involving forfeiture of a bond pursuant to § 19.2-143.

(2) Jurisdiction to try and decide attachment cases when the amount of the plaintiff's claim does not exceed \$25,000 exclusive of interest and any ~~attorney's attorney fees contracted for in the instrument~~.

(3) Jurisdiction of actions of unlawful entry or detainer as provided in Article 13 (§ 8.01-124 et seq.) of Chapter 3 of Title 8.01, and in Chapter 13 (§ 55-217 et seq.) of Title 55, and the maximum jurisdictional limits prescribed in subdivision (1) shall not apply to any claim, counter-claim or cross-claim in an unlawful detainer action that includes a claim for damages sustained or rent against any person obligated on the lease or guarantee of such lease.

(4) Except where otherwise specifically provided, all jurisdiction, power and authority over any civil action or proceeding conferred upon any general district court judge or magistrate under or by virtue of any provisions of the Code.

(5) Jurisdiction to try and decide suits in interpleader involving personal or real property where the amount of money or value of the property is not more than the maximum jurisdictional limits of the general district court. However, the maximum jurisdictional limits prescribed in subdivision (1) shall not apply to any claim, counter-claim, or cross-claim in an interpleader action that is limited to the disposition of an earnest money deposit pursuant to a real estate purchase contract. The action shall be brought in accordance with the procedures for interpleader as set forth in § 8.01-364. However, the general district court shall not have any power to issue injunctions. Actions in interpleader may be brought by either the stakeholder or any of the claimants. The initial pleading shall be either by motion for judgment, by warrant in debt, or by other uniform court form established by the Supreme Court of Virginia. The initial pleading shall briefly set forth the circumstances of the claim and shall name as defendant all parties in interest who are not parties plaintiff.

(6) Jurisdiction to try and decide any cases pursuant to § 2.2-3713 of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) or § 2.2-3809 of the Government Data Collection and Dissemination Practices Act (§ 2.2-3800 et seq.), for writs of mandamus or for injunctions.

(7) Concurrent jurisdiction with the circuit courts having jurisdiction in such territory to adjudicate habitual offenders pursuant to the provisions of Article 9 (§ 46.2-355.1 et seq.) of Chapter 3 of Title 46.2.

(8) Jurisdiction to try and decide cases alleging a civil violation described in § 18.2-76.

(9) Jurisdiction to try and decide any cases pursuant to § 55-79.80:2 of the Condominium Act (§ 55-79.39 et seq.) or § 55-513 of the Property Owners' Association Act (§ 55-508 et seq.).

(10) Concurrent jurisdiction with the circuit courts to submit matters to arbitration pursuant to Chapter 21 (§ 8.01-577 et seq.) of Title 8.01 where the amount in controversy is within the jurisdictional limits of the general district court. Any party that disagrees with an order by a general district court granting an application to compel arbitration may appeal such decision to the circuit court pursuant to § 8.01-581.016.

§ 16.1-107. Requirements for appeal.

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57 No appeal shall be allowed unless and until the party applying for the same or someone for him
58 shall give bond, in an amount and with sufficient surety approved by the judge or by his clerk if there
59 is one, or in an amount sufficient to satisfy the judgment of the court in which it was rendered. *Either*
60 *such amount shall include the award of attorney fees, if any.* Such bond shall be posted within 30 days
61 from the date of judgment, except for an appeal from the judgment of a general district court on an
62 unlawful detainer pursuant to § 8.01-129. However, no appeal bond shall be required of a plaintiff in a
63 civil case where the defendant has not asserted a counterclaim, the Commonwealth or when an appeal is
64 proper to protect the estate of a decedent, an infant, a convict, or an insane person, or the interest of a
65 county, city, town or transportation district created pursuant to the Transportation District Act of 1964
66 (§ 33.2-1900 et seq.) of Title 33.2. No appeal bond shall be required of a defendant with indemnity
67 coverage through a policy of liability insurance sufficient to satisfy the judgment if the defendant's
68 insurer provides a written irrevocable confirmation of coverage in the amount of the judgment. If
69 defendant's insurer does not provide a written irrevocable confirmation of coverage in the amount of the
70 judgment then an appeal bond will be required. In all civil cases, except trespass, ejectment, unlawful
71 detainer against a former owner based upon a foreclosure against that owner, or any action involving the
72 recovering rents, no indigent person shall be required to post an appeal bond. In cases of unlawful
73 detainer against a former owner based upon a foreclosure against that owner, a person who has been
74 determined to be indigent pursuant to the guidelines set forth in § 19.2-159 shall post an appeal bond
75 within 30 days from the date of judgment.

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

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