

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

H

2

HOUSE BILL 1244
Committee Substitute Favorable 6/18/96

Short Title: Appeal Bond Changes.

(Public)

Sponsors:

Referred to:

May 20, 1996

A BILL TO BE ENTITLED

1 AN ACT TO CLARIFY THAT APPEAL BONDS ARE POSTED WITH THE CLERK
2 OF THE APPELLATE COURT IN CONFORMANCE WITH THE NORTH
3 CAROLINA RULES OF APPELLATE PROCEDURE AND TO CLARIFY THAT
4 THE UNDERTAKING ON APPEAL MUST BE IN WRITING.
5

6 The General Assembly of North Carolina enacts:

7 Section 1. G.S. 1-285 reads as rewritten:

8 "**§ 1-285. Undertaking on appeal.**

9 (a) To render an appeal effectual for any purpose in a civil cause or special
10 proceeding, a written undertaking must be executed on the part of the appellant, with
11 good and sufficient surety, in the sum of two hundred fifty dollars (\$250.00), or any
12 lesser sum as might be adjudged by the court, to the effect that the appellant will pay all
13 costs awarded against him on the appeal, and this undertaking must be filed with the clerk
14 ~~by with~~ whom the judgment or order was ~~entered; filed;~~ or such sum must be deposited
15 with the appropriate clerk by whom the judgment or order was entered, to abide the event
16 of the appeal of the appellate division in compliance with the North Carolina Rules of
17 Appellate Procedure.

18 (b) The provisions of this section do not apply to the State of North Carolina, a
19 city or a county or a local board of education, an officer thereof in his official capacity, or
20 an agency thereof."

1 Sec. 2. G.S. 1-286 reads as rewritten:

2 **"§ 1-286. Justification of sureties.**

3 The written undertaking on appeal must be accompanied by the affidavit of one of the
4 sureties that he is worth double the amount specified therein. The respondent may except
5 to the sufficiency of the sureties within ten days after the notice of appeal; and unless
6 they or other sureties justify within the 10 days thereafter, the appeal shall be regarded as
7 if no undertaking had been given. The justification must be upon a notice of not less than
8 five days."

9 Sec. 3. This act is effective upon ratification.