

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 1244

Short Title: Appeal Bond Changes.

(Public)

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Sponsors: Representative Culpepper.

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Referred to: Judiciary II.

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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.  
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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 whom the judgment or order was entered; or such sum must be deposited with the  
15 appropriate clerk by whom the judgment or order was entered, to abide the event of the  
16 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 ten 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.