

1 HB548  
2 118017-2  
3 By Representative Newton (D)  
4 RFD: Judiciary  
5 First Read: 11-FEB-10

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8 SYNOPSIS: This bill would authorize a county to take  
9 an appeal from any judgment, decree, writ, or  
10 order, in any case in which it is a party, without  
11 the necessity of executing an appeal bond,  
12 supersedeas bond, dissolution bond, or other bond.

13  
14 A BILL  
15 TO BE ENTITLED  
16 AN ACT

17  
18 Relating to civil procedure; to authorize a county  
19 to take an appeal from any judgment, decree, writ, or order,  
20 in any case in which it is a party, without the necessity of  
21 executing an appeal bond, supersedeas bond, dissolution bond,  
22 or other bond.

23 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

24 Section 1. (a) Any county in this state may take an  
25 appeal from any judgment, decree, writ, or order in any case  
26 in which it is a party, without the necessity of executing an  
27 appeal bond, supersedeas bond, dissolution bond, or other bond

1 notwithstanding any other provision of law or any provision of  
2 the Alabama Rules of Civil or the Alabama Rules Appellate  
3 Procedure. In a condemnation case, failure to file the bond  
4 shall not deprive the county of the right of entry pending the  
5 appeal.

6 (b) In all cases in which a county desires to take  
7 an appeal to another court to which appeals are allowable, the  
8 appeal may be effected by filing in the court where the  
9 judgment, decree, writ, or order was entered, a statement by  
10 the attorney representing the county in the appeal to the  
11 effect that the county takes an appeal to the \_\_\_\_\_ Court,  
12 designating in the blank space the name and style of the court  
13 to which the appeal is taken. When the statement is signed and  
14 filed by the attorney representing the county in the court  
15 where the judgment, decree, writ, or order was entered within  
16 the time allowed by law for taking an appeal in the case, this  
17 filing shall have the effect of appealing the case and  
18 superseding any judgment, decree, writ, or order, as fully as  
19 if a good and sufficient supersedeas bond, right of entry bond  
20 in condemnation proceedings, or any other bond had been filed.  
21 In condemnation proceedings, where an appeal is perfected as  
22 set out above, the county shall have the immediate right of  
23 entry pending the appeal as if a good and sufficient bond had  
24 been filed.

25 Section 2. All laws or parts of laws which conflict  
26 with this act are repealed.

1                   Section 3. This act shall become effective  
2 immediately following its passage and approval by the  
3 Governor, or its otherwise becoming law.