

**CHAPTER 1277**  
SUPERSEDEAS BOND

IN THE SUPREME COURT OF IOWA

IN THE MATTER OF A CHANGE  
IN THE IOWA RULES OF  
APPELLATE PROCEDURE

}

REPORT OF THE  
SUPREME COURT

TO: MS. DIANE BOLENDER, ACTING SECRETARY OF THE LEGISLATIVE COUNCIL OF THE STATE OF IOWA:

Pursuant to Iowa Code sections 602.4201 and 602.4202, the Supreme Court of Iowa has prescribed and hereby reports to the Secretary of the Legislative Council an amendment to the Iowa Rule of Appellate Procedure 7, attached as Exhibit "A" and issued on this date.

Pursuant to Iowa Code section 602.4202(2), this change is to take effect August 1, 1989.

Respectfully submitted,

THE SUPREME COURT OF IOWA

/s/ Arthur A. McGiverin

ARTHUR A. MCGIVERIN, Chief Justice

Des Moines, Iowa  
May 24, 1989

ACKNOWLEDGMENT

I, the undersigned, Acting Secretary of the Legislative Council hereby acknowledge delivery to me on the twenty-fourth day of May, 1989, the Report of the Supreme Court pertaining to the Iowa Rules of Appellate Procedure.

/s/ Diane Bolender

Acting Secretary of the Legislative Council

## EXHIBIT "A"

## Rule 7. Supersedeas bond.

(a) Except upon order entered by the supreme court, pursuant to a procedural, appellate, or court rule, nNo appeal shall stay proceedings under a judgment or order unless appellant executes a bond with sureties, to be filed with and approved by the clerk of the court where the judgment or order was entered. The condition of such bond shall be that appellant will satisfy and perform the judgment if affirmed, or any judgment or order, not exceeding in amount or value the obligation of the judgment or order appealed from, which an appellate court may render or order to be rendered by the trial court; and also all costs and damages adjudged against appellant on the appeal, and all rents of or damage to property during the pendency of the appeal of which appellee is deprived by reason of the appeal.

(b) If the judgment or order appealed from be for money, the penalty of such bond shall be one hundred twenty-five percent of the amount thereof, including costs, unless, in exceptional cases, the trial court fixes a larger amount; in all other cases, an amount sufficient to save appellee harmless from the consequences of the appeal; but in no event less than three hundred dollars.

(c) No appeal shall vacate or affect the judgment or order appealed from; but the clerk shall issue a written order requiring appellee and all others to stay proceedings under it or such part of it as has been appealed from, when the appeal bond is filed and approved.

(d) An appeal bond secured by cash, a certificate of deposit, or government security, in a form and in an amount approved by the clerk may be filed in lieu of other bond. If a cash bond is filed, the cash shall be deposited at interest with interest earnings being paid into the general fund of the state in accordance with Iowa Code section 602.8103(5). The cash bond shall be disbursed pursuant to court order upon termination of the appeal.