

CHAPTER 241
SUPERSEDEAS BOND

IN THE SUPREME COURT OF IOWA

IN THE MATTER OF CHANGES
IN THE IOWA RULES OF
APPELLATE PROCEDURE

}

REPORT OF THE
SUPREME COURT

TO: MR. DONOVAN PEETERS, SECRETARY OF THE LEGISLATIVE COUNCIL OF
THE STATE OF IOWA:

Pursuant to Iowa Code section 602.4201 (1985) and section 602.4202 (Supp. 1985), the Supreme Court of Iowa has prescribed and hereby reports to the Secretary of the Legislative Council the attached Exhibit "A", concerning the amendments to Iowa Rule of Appellate Procedure 7, which are issued on this date.

Pursuant to Iowa Code section 602.4202(2) (Supp. 1985), this change is to take effect July 1, 1987.

Respectfully submitted,

THE SUPREME COURT OF IOWA

/s/ W. W. Reynoldson

W. W. REYNOLDSON, Chief Justice

Des Moines, Iowa
March 27, 1987

ACKNOWLEDGMENT

I, the undersigned, Secretary of the Legislative Council hereby acknowledge delivery to me on the thirtieth day of March, 1987, the Report of the Supreme Court pertaining to the Iowa Rules of Appellate Procedure.

/s/ Donovan Peeters

Secretary of the Legislative Council

EXHIBIT "A"

Rule 7. Supersedeas bond.

(a) No 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 ~~him~~ 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 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.