



TO:

Rule 28 Distribution

Andrew P Schaffer

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## ATTACHMENT<sup>1</sup>

### SUPERIOR COURT RULES OF APPELLATE PROCEDURE—CIVIL

#### Rule 6. Supersedeas and Costs Bonds

##### (a) Supersedeas Bond

(1) *Stay Upon Appeal.* An appellant or cross-appellant may obtain a stay of execution of judgment by filing a supersedeas bond in the trial court in an amount equal to the judgment and costs. The bond may be filed before or after the filing of the notice of appeal. The stay is effective when the supersedeas bond, if any, is filed.

The bond, if any, shall be conditioned that appellant or cross-appellant prosecute their appeal and satisfy any judgment which may be rendered against them on the appeal.

The trial court shall retain all supersedeas bonds.

The provisions of this subsection do apply to the execution of any judgment for money damages in forcible and special detainer actions. The provisions of this subsection do not apply to any stay of enforcement of a judgment for possession in forcible and special detainer actions-; such stays are governed by Rule 6(a)(5).

##### (2)-(4) [No change]

(5) ~~*Periodic Rent Payments in Forcible and Special Detainer Cases; Stay of Judgment for Possession; Periodic Rent Payments.*~~ In forcible and special detainer actions, the supersedeas bond to stay issuance of a writ of restitution or enforcement of a judgment for possession shall be the amount of rent accruing from the date of the judgment until the next periodic rental date, together with costs and attorneys' fees, if any. The payment of periodic rent to stay issuance of a writ of restitution shall be paid to the clerk of the trial court throughout the pendency of an appeal. The trial court shall retain jurisdiction to recall writs of restitution, or to issue a writ when periodic rent payments are not timely received by the clerk of that court. The trial court shall retain periodic rent payments, unless it authorizes disbursement of such payments to the landlord or its designee for good cause.

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<sup>1</sup> Additions to the text of the rule are shown by underscoring and deletions of text are shown by ~~strike-through~~.