

## **BOND REQUIREMENT WHEN APPEALING A SMALL CLAIMS COURT JUDGMENT**

If you appeal a magistrate’s judgment for eviction and you do not petition to file as a poor person, then you will be required to pay the following to the clerk:

1. Court costs for district Court.
2. Any undisputed past due rent, as indicated in the judgment.
3. The pro rata rent.
4. The periodic rent as it becomes due.

1. **Court costs:**

Court costs are established by the clerk and must be paid in cash to the Clerk of Court.

2. **Back rent owed or rent in arrears:**

If the judgment states that rent is owed, you must pay the amount indicated when you file your appeal. To avoid having to pay the back rent, the magistrate must determine that the amount is disputed. Then you only pay the undisputed amount, if any.

3. **Pro rata rent:**

If the Magistrate’s judgment was entered more than five (5) days **before** the rent is due under the lease, then you pay what is called the **pro rata rent**. This amount is calculated as the rental rate per day for each day from the judgment until the next rental payment is due. For example, if the judgment was on the 10<sup>th</sup> and the rent is due on the 1<sup>st</sup> of the month, you must pay the daily rent for 20 days or from the 10<sup>th</sup> to the 1<sup>st</sup> of the following month.

4. **Periodic rent as it becomes due:**

You also must promise to pay the regular rent to the clerk within five (5) days of the day required by your agreement with your landlord or lease. For example, if the rent is due on the 1<sup>st</sup> of the month, you will have to pay the rent to the clerk by the 5<sup>th</sup> of each month.

If the rent is not paid within five (5) days of the date it is due, the landlord can ask the sheriff to padlock the door and evict you.

| Check list to Appeal                              | Yes | No  |
|---|-----|-----|
| 1. Complete and file notice of appeal.            | ( ) | ( ) |
| 2. Complete and file bond.                        | ( ) | ( ) |
| 3. Pay any monies pursuant to the bond.           | ( ) | ( ) |
| 4. Pay any back rent owed and stated in judgment. | ( ) | ( ) |
| 5. Make copies .                                  | ( ) | ( ) |
| 6. Mail copy of appeal to landlord.               | ( ) | ( ) |