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HOW TO APPEAL A SMALL CLAIMS DECISION FROM JUSTICE COURT TO DISTRICT COURT

Any party dissatisfied with the Court's decision has the right to appeal it. If a party chooses to appeal a decision stemming from a Small Claims action, the appeal must be filed within 5 judicial (excluding court date, weekends, and holidays) days after the decision date. (JCRC 98).

WHAT IS INCLUDED IN THIS PACKET?

1. Notice of Appeal;
2. Motion to Set Supersedeas Bond to Stay Execution of Judgment; and
3. Request for Copies of Audio Recording of Court Proceedings.

You will need to completely fill out each of the documents included in this packet. Once you have completed these forms, you will bring them to Sparks Justice Court for filing.

FEES / BONDS

At the time the appeal is filed with the Justice Court, the appellant is also responsible to pay the fees and costs outlined below. Fees and costs are payable to Sparks Justice Court, unless otherwise noted below.

For filing a Notice of Appeal and Preparation & Transmittal of Transcript on appeal	\$ 50.00
For the Request for Audio Copy of Proceedings - CD for Transcriptionist	\$ 35.00
For the District Court filing fee on appeal (payable to Second Judicial District Court)	\$ 211.00
For the Appeal Cost Bond	\$ 250.00

The \$250 Appeal Cost Bond must be posted at the time the Notice of Appeal is filed. (JCRC 73). Small Claims proceedings will not be stayed even after an appeal has been filed unless a supersedeas bond has been posted. Usually, this bond will be for the amount of judgment. (JCRC 73A).

The Appeal Cost Bond, as well as any supersedeas bond ordered by a judge, **must be tendered in cash, cashier's check, or a trust account check or business check of appellant's attorney.**

TRANSCRIPTS

Pursuant to JCRC Rule 74, a transcription of the proceedings is required to perfect the appeal process. Transcripts must be received within 30 days of the date the appeal was filed. Therefore, within 10 days of filing your appeal and Request for Audio Copy of Proceedings, you must contact a transcriptionist to have an original and 2 copies of the recording transcribed. The cost for the recording is \$35.00, due at the time the Request is filed. For your convenience, a few Transcriptionist contacts are listed on the next page.

TRANSMITTAL

The Justice Court must transmit the case to the District Court within 30 days of the filing date of the appeal. The Justice Court will mail all parties a copy of the Notice of Transmittal when the matter has been forwarded to the Second Judicial District Court.

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TRANSCRIPTIONISTS

Captions Unlimited
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775.746.3534

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