

Rule 12. Appeals.

(a) ~~Either Any~~ party may appeal a ~~small claims final order or~~ judgment within ~~ten~~ 10 business days ~~(not counting weekends and holidays) of receipt of~~ after notice of entry of judgment or order or after denial of a motion to set aside the judgment or order, whichever is later.

(b) To appeal, the appealing party must file a notice of appeal (~~Form K~~) in the court issuing the judgment ~~and mail a copy to each party.~~ The ~~Unless waived upon filing an affidavit of impecuniosity, the~~ appropriate fee must accompany the notice of appeal.

(c) ~~On appeal, a new trial will be held (“trial de novo”).~~ Upon the receipt of the notice of appeal, the clerk of the district court shall schedule the new trial and notify the parties. All proceedings on appeal will be held in accordance with these rules, except that the parties will not file an affidavit or counter affidavit.

(d) The district court shall issue all orders governing the new trial. The new trial of a justice court adjudication shall be heard in the district court nearest to and in the same county as the justice court from which the appeal is taken. The new trial of an adjudication by the small claims department of the district court shall be held at the same district court.

(e) A judgment debtor may stay the judgment during appeal by posting a supersedeas bond with the district court. The stay shall continue until entry of the final judgment or order of the district court.

(f) Within 10 business days after filing the notice of appeal, the justice court shall transmit to the district court the notice of appeal, the district court fees, a certified copy of the register of actions, and the original of all papers filed in the case.

(g) Upon the entry of the judgment or final order of the district court, the clerk of the district court shall transmit to the justice court that rendered the original judgment notice of the manner of disposition of the case.

(h) The district court may dismiss the appeal and remand the case to the justice court if the appellant:

(h)(1) fails to appear;

(h)(2) fails to take any step necessary to prosecute the appeal; or

(h)(3) requests the appeal be dismissed.