

**Effective May 3, 2004. Subject to further change after comment period.**

1 Rule 12. Appeals.

2 (a) Any party may appeal a final order or judgment within ~~10 business~~ 30 calendar days after  
3 ~~notice of~~ entry of judgment or order or after denial of a motion to set aside the judgment or order,  
4 whichever is later.

5 (b) To appeal, the appealing party must file a notice of appeal in the court issuing the  
6 judgment. Unless waived upon filing an affidavit of impecuniosity, the appropriate fee must  
7 accompany the notice of appeal.

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

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

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

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

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

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

26 (h)(1) fails to appear;

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

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

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