

Cherokee Nation Code Annotated

Title 41: Landlord and Tenant

Chapter 4: Landlord and Tenant Procedures Act

§ 1783. Stay of execution by posting supersedeas bond

Cite as: 41 CNCA § 1783

If no supersedeas bond be posted within the time provided herein, the officer shall forthwith restore the plaintiff to possession of the premises by executing the writ prescribed in the preceding section of the statutes and shall make levy to collect the amount of the judgment. The officer's return shall be upon other executions. The defendant shall have three (3) days after the date of judgment to post a supersedeas bond conditioned as provide by law. This time limit may be enlarged by a Trial Judge's order to not more than ten (10) days after the date of judgment. The posting of a supersedeas bond shall not be construed to relieve the defendant of his duty to pay current rent as it becomes due while the appeal is pending. Then rent shall be paid into the Court Clerk's office together with poundage. If there be controversy as to the amount of rent, the Judge shall determine by order how much shall be paid in what time intervals. Withdrawal by the plaintiff of rent deposited in the Court Clerk's office pending appeal shall not operate to estop him from urging on appeal his right to the possession of the premises. Failure to pay current rental while the appeal is pending shall be considered as abandonment of the appeal.

Historical Data

LA 17-91, eff. December 14, 1991.