

SOLOMON BAKY, Appellant, v. NICHOLAS
NAH, Appellee.

MOTION TO DISMISS APPEAL FROM THE DEBT COURT,
MONTERRADO COUNTY.

Argued April 16, 1970. Decided June 11, 1970.

1. An appeal bond is defective when not accompanied by an affidavit of the sureties complying with the provisions of Civil Procedure Law, L. 1963-64, ch. III, § 6302(3), and is further defective when not accompanied by a certificate from the Bureau of Internal Revenue, required under paragraph four of the same section, rendering the appeal, therefore, subject to dismissal.

A motion was brought to dismiss the appeal, on the grounds that the appeal bond was insufficient, lacking an affidavit of the sureties thereon and a certificate from the Bureau of Internal Revenue certifying ownership of the realty pledged and its assessed valuation free of encumbrances. The *appeal* was *dismissed*.

No appearance for appellant. *The Dunbar law firm* for appellees.

MR. JUSTICE WADSWORTH delivered the opinion of the Court.

When the above-entitled cause of action was called for hearing, having been assigned and bulletined, the Court's attention was called to a motion filed by appellee for the dismissal of the appeal, alleging the appeal bond was defective in that the sureties failed to submit an affidavit and there was no certificate, certifying ownership of the land, by the Bureau of Internal Revenues. Appellant filed no resistance to appellee's motion to dismiss his appeal.

It appears that the appeal bond is defective in that no affidavit accompanies it as required by our new Civil Procedure Law, 1963-64, ch. III, § 6302(3), and is fur-

ther defective under paragraph four thereof, requiring a certificate from the Bureau of Internal Revenues, attesting to ownership and assessed valuation of the land.

In view of the foregoing, appellee's motion is hereby granted and the appeal dismissed, with costs against appellant. And it is hereby so ordered.

Motion to dismiss appeal granted.