

EMMA SHANNON WALSER by and through  
her husband, Rudolph Walser, Appellant, v.  
J. B. TITUS, et al., Appellees.

JUDGMENT WITHOUT OPINION.

Decided July 8, 1977.\*

When this case was called, Counsellor *Daniel Draper* appeared for appellant, and Counsellors *Toye C. Barnard* and *Moses K. Yangbe* appeared for the appellee and filed a motion to dismiss the appeal for defectiveness of the appeal bond in that the affidavit of sureties sworn to and attached to the bond was in violation of the appeal statute which requires that "the bond shall be accompanied by an affidavit of sureties containing . . . (b) a description of the property, sufficiently identified to establish the lien of the bond." Rev. Code 1:63.2(3)(b).

In this case, although the affidavit of sureties contained no description of the property used as security of the bond, two separate slips of paper were attached to the affidavit, and they bore descriptions of two pieces of property in Montserrado and Maryland Counties respectively; one was not dated at all, and the other was dated for March 17, 1977, forty-one days after the affidavit had been sworn to before the Justice of the Peace. Appellees in their motion to dismiss have contended that these slips of paper can bear no relationship to the case, since in keeping with section 8.1 of the Civil Procedure Law, Rev. Code, Title 1, neither of these slips bears the caption or title of the case; neither carries the names of the parties nor of the court, as the law requires. In view of these circumstances, the affidavit of sureties does not "contain a description of the property" as the law requires, and therefore the bond is defective.

\* Mr. Justice Horace did not participate in the decision.

After studying the motion and the resistance and hearing arguments on both sides it is adjudged that the motion to dismiss should be and the same is hereby granted, and the appeal is dismissed with costs against the appellant. The Clerk of this Court is ordered to send a mandate to the court below commanding the judge therein to resume jurisdiction over the cause and enforce the judgment. And it is so ordered.