

## CHAPTER 373

## COUNTIES; POWERS, DUTIES, PRIVILEGES

373.09 Claims against county; appeal.

373.11 Appeals; counterclaim.

**373.09 CLAIMS AGAINST COUNTY; APPEAL.**

When any claim against a county is disallowed in whole or part by the county board, a claimant may appeal from its decisions to the district court by (1) filing a written notice of appeal in the office of the auditor within 15 days after written notice mailed to the claimant by the county auditor showing the disallowance of the claim and (2) giving security for costs, to be approved by the auditor. The auditor shall notify the county attorney of the appeal.

When any claim against a county is allowed in whole or in part by the board, no order shall be issued to pay it or any part of it, until three days after the date of the decision. The county attorney may, on behalf and in the name of the county, appeal from the decision to the district court, by filing a written notice of appeal in the office of the auditor within three days after the date of the decision appealed from. Any seven taxpayers of the county may appeal in their own names from the decision to the district court by (1) filing a written notice of appeal stating the grounds for it in the office of the auditor within three days after the date of the decision appealed from, and (2) giving security to the claimant for his costs and disbursements. The security shall be approved by a judge of the district court. Thereafter no order shall be issued in payment of the claim until a certified copy of the judgment of the court is filed in the office of the auditor. Upon filing of a notice of appeal, the court has jurisdiction of the parties and of the subject matter, and may compel a return to be made.

**History:** 1983 c 359 s 54

**373.11 APPEALS; COUNTERCLAIM.**

An appeal from the judgment of the district court may be taken as in other civil cases within 30 days after the actual entry of the judgment. If no appeal is taken, a certified copy of the judgment shall be filed in the office of the auditor. If an appeal is taken, the determination of the court of appeals shall be certified to the district court and judgment entered in accordance with it, and that judgment certified to and filed in the office of the county auditor. In either case, after the certified copy is filed, orders shall be drawn on the county treasury in payment of any judgment in favor of a claimant. Execution may issue out of the district court for the collection of any costs against a claimant. In any case where costs are awarded against a claimant and there is any allowance on the claim in his favor, the amount of the costs shall be deducted from the allowance. In any case of an appeal, the county may interpose in the district court as a counterclaim any demand which it has against the claimant, and have execution for the collection of any judgment in its favor.

**History:** 1983 c 247 s 146