

No. 31508 – *Frank P. Bush, Jr. & Associates v. Robin Hammer*

FILED

June 30, 2004

released at 3:00 p.m.

RORY L. PERRY II, CLERK
SUPREME COURT OF APPEALS
OF WEST VIRGINIA

Albright, Justice, concurring:

This circumstances of this case involve the potential failure of the appellant to have properly perfected his appeal from magistrate court to circuit court because he failed to give appropriate notice of appeal in the magistrate court pursuant to Rule 18 of the Rules of Civil Procedure for Magistrate Courts. These circumstances mirror the problems addressed by this Court in *Wolfe v. Welton*, 210 W.Va. 563, 568-69, 558 S.E.2d 363, 368-69 (2001). In *Wolfe* we noted that the bond form furnished by this Court was barely sufficient to constitute a proper notice of appeal and urged its prompt revision. I once again urge the correction of the form furnished in magistrate court to effect an appeal in order to obviate the problem raised in this case and in *Wolfe v. Welton* regarding the giving of an adequate notice of appeal.