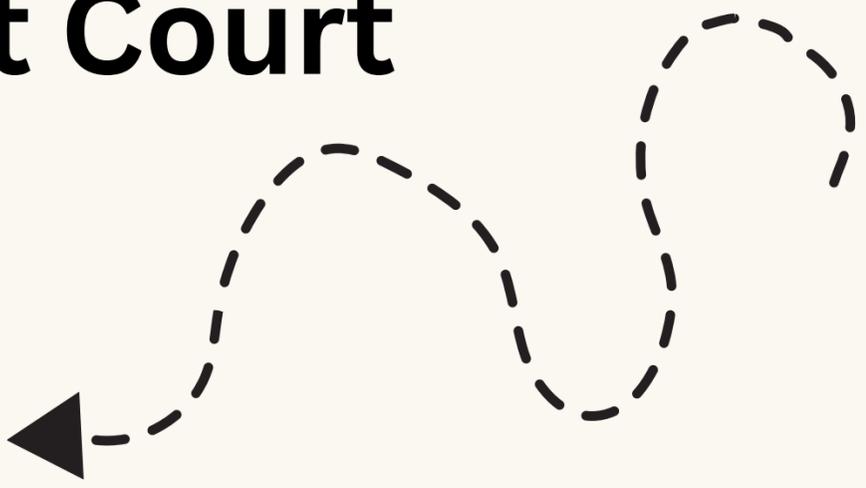
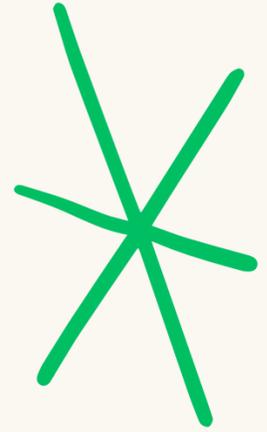


# INTRO TO COURTS

General District Court



# **COLLECTIONS**

## § 8.01-511. Institution of garnishment proceedings

A. On a suggestion by the judgment creditor that, by reason of the lien of his writ of fieri facias, there is a liability on any person other than the judgment debtor or that there is in the hands of some person in his capacity as personal representative of some decedent a sum of money to which a judgment debtor is or may be entitled as creditor or distributee of such decedent, upon which sum when determined such writ of fieri facias is a lien, a summons in the form prescribed by § 8.01-512.3 may (i) be sued out of the clerk's office of the court from which an execution on the judgment is issued so long as the judgment shall remain enforceable as provided in § 8.01-251, (ii) be sued out of the clerk's office to which an execution issued thereon has been returned as provided in § 16.1-99 against such person, or (iii) be sued out of the clerk's office from which an execution issued as provided in § 16.1-278.18. If the judgment debtor does not reside in the city or county where the judgment was entered, the judgment creditor may have the case filed or docketed in the court of the city or county where the judgment debtor resides and such court may issue an execution on the judgment, provided that the judgment creditor (a) files with the court an abstract of the judgment rendered, (b) pays fees to the court in accordance with § 16.1-69.48:2 or subdivision 17 of § 17.1-275, and (c) files in both courts any release or satisfaction of judgment. The summons and the notice and claim for exemption form required pursuant to § 8.01-512.4 shall be served on the garnishee, and shall be served on the judgment debtor promptly after service on the garnishee. Service on the judgment debtor and the garnishee shall be made pursuant to subdivision 1 or 2 of § 8.01-296. When making an application for garnishment, the judgment creditor shall set forth on the suggestion for summons in garnishment the last known address of the judgment debtor, and shall furnish the clerk, if service is to be made by the sheriff, or shall furnish any other person making service with an envelope, with first-class postage attached, addressed to such address. A copy of the summons and the notice and claim for exemptions form required under § 8.01-512.4 shall be sent by the clerk to the sheriff or provided by the judgment creditor to the person making service, with the process to be served. Promptly after service on the garnishee, the person making service shall mail such envelope by first-class mail to the judgment debtor at his last known address. If the person making service is unable to serve the judgment debtor pursuant to subdivision 1 of § 8.01-296, such mailing shall satisfy the mailing requirements of subdivision 2 b of § 8.01-296. The person making service shall note on his return the date of such mailing which, with the notation "copy mailed to judgment debtor," shall be sufficient proof of the mailing of such envelope with the required copy of the summons and the notice and claim for exemption form with no examination of such contents being required nor separate certification by the clerk or judgment creditor that the appropriate documents have been so inserted. If the person making service is unable to serve the judgment debtor pursuant to subdivision 1 or 2 of § 8.01-296, such mailing shall constitute service of process on the judgment debtor. The judgment creditor shall furnish the social security number of the judgment debtor to the clerk, except as hereinafter provided.

B. The judgment creditor may require the judgment debtor to furnish his correct social security number by the use of interrogatories. However, use of such interrogatories shall not be a required condition of a judgment creditor's diligent good faith effort to secure the judgment debtor's

social security number. Such remedy shall be in addition to all other lawful remedies available to the judgment creditor. Upon a representation by the judgment creditor, or his agent or attorney, that he has made a diligent good faith effort to secure the social security number of the judgment debtor and has been unable to do so, the garnishment shall be issued without the necessity for such number.

C. Except as provided herein, no summons shall be issued pursuant to this section for the garnishment of wages, salaries, commissions, or other earnings unless it: (i) is in the form prescribed by § 8.01-512.3; (ii) is directed to only one garnishee for the garnishment of only one judgment debtor; (iii) contains both the "TOTAL BALANCE DUE" and the social security number of the judgment debtor in the proper places as provided on the summons; and (iv) specifies that it is a garnishment against (a) the judgment debtor's wages, salary, or other compensation or (b) some other debt due or property of the judgment debtor. The garnishee shall not be liable to the judgment creditor for any property not specified in the summons as provided in (iv) above. Upon receipt of a summons not in compliance with this provision, the garnishee shall file a written answer to that effect and shall have no liability to the judgment creditor, such summons being void upon transmission of the answer.

D. The judgment creditor shall, in the suggestion, specify the amount of interest, if any, that is claimed to be due upon the judgment, calculated to the return day of the summons. He shall also set out such credits as may have been made upon the judgment.

All costs incurred by the judgment creditor after entry of the judgment, in aid of execution of the judgment and paid to a clerk of court, sheriff, or process server are chargeable against the judgment debtor, unless such costs are chargeable against the judgment creditor pursuant to § 8.01-475. Regardless of the actual amount of the fee paid by the judgment creditor, the fee for a process server chargeable against the judgment debtor shall not exceed the fee authorized for service by the sheriff. All such previous costs chargeable against the judgment debtor may be included by the judgment creditor as judgment costs in the garnishment summons form prescribed in § 8.01-512.3. This paragraph shall not be construed to limit any cost assessed by a court as part of the judgment.

E. In addition, the suggestion shall contain an allegation that:

1. The summons is based upon a judgment upon which a prior summons has been issued but not fully satisfied; or
2. No summons has been issued upon his suggestion against the same judgment debtor within a period of 18 months, other than under the provisions of subdivision 1; or
3. The summons is based upon a judgment granted against a debtor upon a debt due or made for necessary food, rent or shelter, public utilities including telephone service, drugs, or medical care supplied the debtor by the judgment creditor or to one of his lawful dependents, and that it was not for luxuries or nonessentials; or
4. The summons is based upon a judgment for a debt due the judgment creditor to refinance a lawful loan made by an authorized lending institution; or
5. The summons is based upon a judgment on an obligation incurred as an endorser or comaker upon a lawful note; or
6. The summons is based upon a judgment for a debt or debts reaffirmed after bankruptcy.

F. Any judgment creditor who knowingly gives false information upon any such suggestion or certificate made under this chapter shall be guilty of a Class 1 misdemeanor.

Code 1950, § 8-441; 1960, c. 502; 1966, c. 212; 1972, c. 104; 1976, c. 659; 1977, cc. 454, 617; 1978, cc. 321, 506; 1979, cc. 242, 345; 1980, c. 537; 1983, cc. 399, 468; 1984, c. 1; 1985, c. 524; 1991, c. 534; 1996, cc. 501, 608; 2006, c. 55; 2012, cc. 127, 129, 251, 409.

The chapters of the acts of assembly referenced in the historical citation at the end of this section(s) may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

**GARNISHMENT SUMMONS**

Commonwealth of Virginia Va. Code §§ 8.01-511, 8.01-512.3

..... General District Court  
COURT NAME

..... COURT ADDRESS AND TELEPHONE NUMBER  
TO ANY AUTHORIZED OFFICER: You are hereby commanded to serve this summons on the judgment debtor and the garnishee.

TO THE GARNISHEE: You are hereby commanded to (1) file a written answer with this court, or (2) deliver payment to this court, or (3) appear before this court on the hearing date and time shown on this summons to answer the Suggestion for Summons in Garnishment of the judgment creditor that, by reason of the lien of writ of fieri facias, there is a liability as shown in the statement upon the garnishee.

As garnishee, you shall withhold from the judgment debtor any sums of money to which the judgment debtor is or may be entitled from you during the period between the date of service of this summons on you and the date for your appearance in court, subject to the following limitations: (1) The maximum amount which may be garnished is the "TOTAL BALANCE DUE" as shown on this summons. (2) You shall not be liable to the judgment creditor for any property not specified in this garnishment summons. (3) If the sums of money being garnished are earnings of the judgment debtor, then the provision of "MAXIMUM PORTION OF DISPOSABLE EARNINGS SUBJECT TO GARNISHMENT" shall apply.

If a garnishment summons is served on an employer having one thousand or more employees, then money to which the judgment debtor is or may be entitled from his or her employer shall be considered those wages, salaries, commission or other earnings which, following service on the garnishee-employer, are determined and are payable to the judgment debtor under the garnishee-employer's normal payroll procedure with a reasonable time allowance for making a timely return by mail to this court.

..... DATE OF ISSUANCE OF SUMMONS ..... CLERK

..... DATE AND TIME OF DELIVERY OF WRIT OF FIERI FACIAS TO SHERIFF IF DIFFERENT FROM DATE OF ISSUANCE OF THIS SUMMONS

TO GARNISHEE: On check or written answer, include return date, case number and judgment debtor's name. MAKE CHECK PAYABLE TO JUDGMENT CREDITOR AND DELIVER TO THE COURT.

**WRIT OF FIERI FACIAS TO ANY AUTHORIZED OFFICER:** You are commanded to execute this writ and to make from the intangible personal estate of the judgment debtor(s) the principal, interest, costs and attorney's fees, less credits, shown in the Garnishment Summons. You are further commanded to make your return to the clerk's office according to law.

Homestead Exemption Waived? [ ] yes [ ] no [ ] cannot be demanded

..... DATE OF ISSUANCE OF WRIT ..... CLERK

**CASE DISPOSITION**

I ORDER that  
[ ] the garnishee pay to the judgment creditor through the court \$ ..... net of any credits.  
[ ] the case be DISMISSED.  
[ ] .....

..... DATE ENTERED ..... JUDGE

CASE NO.  
.....  
JUDGMENT CREDITOR'S NAME  
.....  
STREET ADDRESS  
.....  
CITY, STATE, ZIP  
.....  
TELEPHONE NUMBER  
.....  
JUDGMENT CREDITOR'S ATTORNEY'S NAME  
.....  
ADDRESS  
.....  
TELEPHONE NUMBER  
.....  
JUDGMENT DEBTOR'S NAME (SERVE)  
.....  
STREET ADDRESS  
.....  
CITY, STATE, ZIP  
.....  
SOCIAL SECURITY NUMBER ..... TELEPHONE NUMBER  
.....  
GARNISHEE'S NAME  
.....  
STREET ADDRESS  
.....  
CITY, STATE, ZIP  
.....  
DATE OF JUDGMENT ..... TELEPHONE NUMBER  
.....  
STATEMENT  
..... Judgment Principal  
..... Credits  
..... Interest  
..... Judgment Costs  
..... Attorney's Fees  
..... Garnishment Costs  
.....  
TOTAL BALANCE DUE  
The garnishee shall rely on this amount.

**HEARING DATE & TIME**  
.....  
.....  
.....  
.....

**GARNISHMENT SUMMONS**

This is a garnishment against (check only one)  
[ ] the judgment debtor's wages, salary or other compensation.  
[ ] some other debt due or property of the judgment debtor, specifically, .....

**MAXIMUM PORTION OF DISPOSABLE EARNINGS SUBJECT TO GARNISHMENT**

[ ] Support  
[ ] 50% [ ] 55%  
[ ] 60% [ ] 65%  
(if not specified, then 50%)  
[ ] state taxes, 100%

If none of the above are checked, then § 34-29(a) applies (a plain-language interpretation of this section is on the reverse of this GARNISHMENT SUMMONS).

\$ ..... received by

JUDGMENT CREDITOR  
[ ] Judgment debtor present

DATE

The following statement is not the law but is an interpretation of the law which is intended to assist those who must respond to this garnishment. You may rely on this only for general guidance because the law itself is the final word. (Read the law, § 34-29 of the Code of Virginia, for a full explanation. A copy of § 34-29 is available at the Clerk's office. If you do not understand the law, call a lawyer for help.)

An employer may take as much as 25 percent of an employee's disposable earnings to satisfy this garnishment. But if any employee makes the minimum wage or less for his week's earnings, the employee will ordinarily get to keep 40 times the minimum hourly wage.

But an employer may withhold a different amount of money from that above if:

- (1) The employee must pay child support or spousal support and was ordered to do so by a court procedure or other legal procedure. No more than 65 percent of an employee's earnings may be withheld for support;
- (2) Money is withheld by order of a bankruptcy court; or
- (3) Money is withheld for a tax debt.

"Disposable earnings" means the money an employee makes "after taxes" and after other amounts required by law to be withheld are satisfied. Earnings can be salary, hourly wages, commissions, bonuses, payments to an independent contractor, or otherwise, whether paid directly to the employee or not.

If an employee tries to transfer, assign or in any way give his earnings to another person to avoid the garnishment, it will not be legal; earnings are still earnings.

Financial institutions that receive an employee's paycheck by direct deposit do not have to determine what part of a person's earnings can be garnished.

<p><b>CAME TO HAND</b></p> <p>.....</p> <p style="text-align: center;">DATE AND TIME</p> <p>.....</p> <p style="text-align: center;">SHERIFF</p>
--

**NOTE:**  
Return of Writ of Fieri Facias to be used if no effects found otherwise, use appropriate sections of DC-467, WRIT OF FIERI FACIAS.

NO EFFECTS FOUND

DATE
SHERIFF
DEPUTY SHERIFF

RETURNS: The judgment debtor was served, according to law, as indicated below, unless not found, with a copy of both this summons and the § 8.01-512.4 form.

<p>JUDGMENT DEBTOR .....</p> <p>ADDRESS .....</p> <p>.....</p>		
<p><input type="checkbox"/> PERSONAL SERVICE</p> <p><input type="checkbox"/> Being unable to make personal service, a copy was delivered in the following manner:</p> <p style="padding-left: 20px;"><input type="checkbox"/> Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode of party named above after giving information of its purport. List name, age of recipient, and relation of recipient to party named above.</p> <p>.....</p> <p style="padding-left: 20px;"><input type="checkbox"/> Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above. (Other authorized recipient not found.)</p> <p><input type="checkbox"/> Served on Secretary of the Commonwealth.</p>		
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 5px;"><input type="checkbox"/> Not found</td> <td style="width: 50%;"></td> </tr> </table> <p style="text-align: center; margin-left: 100px;">SERVING OFFICER</p> <p>..... for .....</p> <p>DATE OF SERVICE</p>	<input type="checkbox"/> Not found	
<input type="checkbox"/> Not found		

RETURNS: The following garnishee was served, according to law, as indicated below, unless not found.

<p>GARNISHEE .....</p> <p>ADDRESS .....</p> <p>.....</p>		
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 5px;"><input type="checkbox"/> PERSONAL SERVICE</td> <td style="width: 50%; padding: 5px;"><input type="checkbox"/> FEDERAL SERVICE*</td> </tr> </table>	<input type="checkbox"/> PERSONAL SERVICE	<input type="checkbox"/> FEDERAL SERVICE*
<input type="checkbox"/> PERSONAL SERVICE	<input type="checkbox"/> FEDERAL SERVICE*	
<p><input type="checkbox"/> Being unable to make personal service, a copy was delivered in the following manner:</p> <p style="padding-left: 20px;"><input type="checkbox"/> Served on registered agent of the corporation. List name and title:</p> <p>.....</p> <p style="padding-left: 20px;"><input type="checkbox"/> Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode of party named above after giving information of its purport. List name, age of recipient, and relation of recipient to party named above.</p> <p>.....</p> <p style="padding-left: 20px;"><input type="checkbox"/> Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above. (Other authorized recipient not found.)</p> <p><input type="checkbox"/> Served on the Secretary of the Commonwealth</p> <p><input type="checkbox"/> Served on the Clerk of the State Corporation Commission, pursuant to § 8.01-513.</p> <p><input type="checkbox"/> Copy mailed to judgment debtor after serving the garnishee on date of service unless a different date of mailing is shown.</p> <p style="text-align: center;">DATE OF MAILING</p> <p><input type="checkbox"/> Not found _____</p> <p style="text-align: center; margin-left: 100px;">SERVING OFFICER</p> <p>..... for .....</p> <p>DATE OF SERVICE</p>		
<p>* Federal garnishment statutes, 5 U.S.C. § 5520a(c)(1) and 42 U.S.C. § 659 provide that the garnishee, when a federal agency, may be served either personally or by certified or registered mail, return receipt requested.</p>		

Code of Virginia  
 Title 8.01. Civil Remedies and Procedure  
 Chapter 18. Executions and Other Means of Recovery

### **§ 8.01-512.4. Notice of exemptions from garnishment and lien.**

No summons in garnishment shall be issued or served, nor shall any notice of lien be served on a financial institution pursuant to § 8.01-502.1, unless a notice of exemptions and claim for exemption form are attached. The notice shall contain the following statement:

Notice to judgment debtor

How to claim exemptions from garnishment and lien

The attached Summons in Garnishment or Notice of Lien has been issued on request of a creditor who holds a judgment against you. The Summons may cause your property or wages to be held or taken to pay the judgment.

The law provides that certain property and wages cannot be taken in garnishment. Such property is said to be exempted. A summary of some of the major exemptions is set forth in the request for hearing form. There is no exemption solely because you are having difficulty paying your debts.

If you claim an exemption, you should (i) fill out the claim for exemption form and (ii) deliver or mail the form to the clerk's office of this court. You have a right to a hearing within seven business days from the date you file your claim with the court. If the creditor is asking that your wages be withheld, the method of computing the amount of wages that are exempt from garnishment by law is indicated on the Summons in Garnishment attached. You do not need to file a claim for exemption to receive this exemption, but if you believe the wrong amount is being withheld you may file a claim for exemption.

On the day of the hearing you should come to court ready to explain why your property is exempted, and you should bring any documents that may help you prove your case. If you do not come to court at the designated time and prove that your property is exempt, you may lose some of your rights.

It may be helpful to you to seek the advice of an attorney in this matter.

Request for hearing-garnishment/lien exemption claim

I claim that the exemption(s) from garnishment or lien that are checked below apply in this case:

#### MAJOR EXEMPTIONS UNDER FEDERAL AND STATE LAW

- 1. Social Security benefits and Supplemental Security Income (SSI)(42 U.S.C. § 407).
- 2. Veterans' benefits (38 U.S.C. § 5301).
- 3. Federal civil service retirement benefits (5 U.S.C. § 8346).
- 4. Annuities to survivors of federal judges (28 U.S.C. § 376(n)).
- 5. Longshore and Harbor Workers' Compensation Act (33 U.S.C. § 916).
- 6. Black lung benefits.

Exemptions listed under 1 through 6 above may not be applicable in child support and alimony cases (42 U.S.C. § 659).

\_\_\_\_ 7. Seaman's, master's or fisherman's wages, except for child support or spousal support and maintenance (46 U.S.C. § 11109).

\_\_\_\_ 8. Unemployment compensation benefits (§ 60.2-600, Code of Virginia). This exemption may not be applicable in child support cases (§ 60.2-608, Code of Virginia).

\_\_\_\_ 9. Portions or amounts of wages subject to garnishment (§ 34-29, Code of Virginia).

\_\_\_\_ 10. Public assistance payments (§ 63.2-506, Code of Virginia).

\_\_\_\_ 11. Homestead exemption of \$5,000, or \$10,000 if the debtor is 65 years of age or older, in cash, and, in addition, real or personal property used as the principal residence of the householder or the householder's dependents not exceeding \$50,000 in value (§ 34-4, Code of Virginia). This exemption may not be claimed in certain cases, such as payment of spousal or child support (§ 34-5, Code of Virginia).

\_\_\_\_ 12. Property of disabled veterans — additional \$10,000 cash (§ 34-4.1, Code of Virginia).

\_\_\_\_ 13. Workers' Compensation benefits (§ 65.2-531, Code of Virginia).

\_\_\_\_ 14. Growing crops (§ 8.01-489, Code of Virginia).

\_\_\_\_ 15. Benefits from group life insurance policies (§ 38.2-3339, Code of Virginia).

\_\_\_\_ 16. Proceeds from industrial sick benefits insurance (§ 38.2-3549, Code of Virginia).

\_\_\_\_ 17. Assignments of certain salary and wages (§ 8.01-525.10, Code of Virginia).

\_\_\_\_ 18. Benefits for victims of crime (§ 19.2-368.12, Code of Virginia).

\_\_\_\_ 19. Preneed funeral trusts (§ 54.1-2823, Code of Virginia).

\_\_\_\_ 20. Certain retirement benefits (§ 34-34, Code of Virginia).

\_\_\_\_ 21. Child support payments (§ 20-108.1, Code of Virginia).

\_\_\_\_ 22. Support for dependent minor children (§ 34-4.2, Code of Virginia). To claim this exemption, the debtor shall attach to the claim for exemption form an affidavit that complies with the requirements of subsection B of § 34-4.2 and two items of proof showing that the debtor is entitled to this exemption.

\_\_\_\_ 23. Other (describe exemption): \$ \_\_\_\_\_

I request a court hearing to decide the validity of my claim. Notice of the hearing should be given me at:

\_\_\_\_\_ (address)

(address)

\_\_\_\_\_ (telephone no.)

(telephone no.)

The statements made in this request are true to the best of my knowledge and belief.

\_\_\_\_ (date)

(date)

\_\_\_\_\_ (signature of judgment debtor)

(signature of judgment debtor)

1984, c. 1; 1986, c. 489; 1989, c. 684; 1994, c. 40; 2007, c. 872; 2009, cc. 332, 387, 388; 2010, c. 673; 2012, cc. 23, 79; 2020, c. 328; 2020, Sp. Sess. I, c. 39; 2023, cc. 456, 457; 2024, c. 656.

Code of Virginia  
Title 8.01. Civil Remedies and Procedure  
Chapter 20. Attachments and Bail in Civil Cases

**§ 8.01-546.1. Exemption claims form.**

The form for requesting a hearing or a claim for exemption from levy or seizure shall be designed by the Supreme Court and provided to all courts which may issue attachments and to all magistrates.

1986, c. 341.

Code of Virginia  
Title 34. Homestead and Other Exemptions  
Chapter 2. Homestead Exemption of Householder

**§ 34-4. Exemption created.**

Every householder shall be entitled, in addition to the property or estate exempt under §§ 23.1-707, 34-26, 34-27, 34-29, and 64.2-311, to hold exempt from creditor process arising out of a debt, real and personal property, or either, to be selected by the householder, including money and debts due the householder not exceeding \$5,000 in value or, if the householder is 65 years of age or older, not exceeding \$10,000 in value, and, in addition, real or personal property used as the principal residence of the householder or the householder's dependents not exceeding \$50,000 in value. In addition, upon a showing that a householder supports dependents, the householder shall be entitled to hold exempt from creditor process real and personal property, or either, selected by the householder, including money or monetary obligations or liabilities due the householder, not exceeding \$500 in value for each dependent.

For the purposes of this section, "dependent" means an individual who derives support primarily from the householder and who does not have assets sufficient to support himself, but in no case shall an individual be the dependent of more than one householder.

On April 1, 2027, and at each three-year interval ending on April 1 thereafter, each monetary limit in effect under this section immediately before such April 1 shall be adjusted to reflect the change in the Consumer Price Index for all urban consumers (CPI-U), as published by the Bureau of Labor Statistics of the U.S. Department of Labor, for the most recent three-year period ending immediately before January 1 preceding such April 1, and rounded to the nearest \$25, the dollar amount that represents such change. Adjustments made in this section shall not apply with respect to bankruptcy cases commenced before April 1, 2027.

Code 1919, § 6531; 1918, p. 487; 1975, c. 466; 1977, c. 496; 1978, c. 231; 1990, c. 942; 1997, cc. 785, 861; 2009, c. 387; 2020, c. 328; 2024, c. 656.

Code of Virginia  
 Title 34. Homestead and Other Exemptions  
 Chapter 3. Other Articles Exempt

**§ 34-26. Poor debtor's exemption; exempt articles enumerated.**

In addition to the exemptions provided in Chapter 2 (§ ~~34-4~~ et seq.), every householder shall be entitled to hold exempt from creditor process the following enumerated items:

1. The family Bible.
  - 1a. Wedding and engagement rings.
2. Family portraits and family heirlooms not to exceed \$5,000 in value.
3. (i) A lot in a burial ground and (ii) any preneed funeral contract not to exceed \$5,000.
4. All wearing apparel of the householder not to exceed \$1,000 in value.
  - 4a. All household furnishings including, but not limited to, beds, dressers, floor coverings, stoves, refrigerators, washing machines, dryers, sewing machines, pots and pans for cooking, plates, and eating utensils, not to exceed \$5,000 in value.
  - 4b. Firearms, not to exceed a total of \$3,000 in value.
5. All animals owned as pets, such as cats, dogs, birds, squirrels, rabbits, and other pets not kept or raised for sale or profit.
6. Medically prescribed health aids.
7. Tools, books, instruments, implements, equipment, and machines, including motor vehicles, vessels, and aircraft, which are necessary for use in the course of the householder's occupation or trade not exceeding \$10,000 in value, except that a perfected security interest on such personal property shall have priority over the claim of exemption under this section. A motor vehicle, vessel, or aircraft used to commute to and from a place of occupation or trade and not otherwise necessary for use in the course of such occupation or trade shall not be exempt under this subdivision. "Occupation," as used in this subdivision, includes enrollment in any public or private elementary, secondary, or career and technical education school or institution of higher education.
8. Motor vehicles, not held as exempt under subdivision 7, owned by the householder, not to exceed a total of \$10,000 in value, except that a perfected security interest on a motor vehicle shall have priority over the claim of exemption under this subdivision.
9. Those portions of a tax refund or governmental payment attributable to the Child Tax Credit or Additional Child Tax Credit pursuant to § 24 of the Internal Revenue Code of 1986, as amended, or the Earned Income Credit pursuant to § 32 of the Internal Revenue Code of 1986, as amended.
10. Unpaid spousal or child support.

The value of an item claimed as exempt under this section shall be the fair market value of the item less any prior security interest.

The monetary limits, where provided, are applicable to the total value of property claimed as exempt under that subdivision.

The purchase of an item claimed as exempt under this section with nonexempt property in contemplation of bankruptcy or creditor process shall not be deemed to be in fraud of creditors.

No officer or other person shall levy or distrain upon, or attach, such articles, or otherwise seek to subject such articles to any lien or process. It shall not be required that a householder designate any property exempt under this section in a deed in order to secure such exemption.

On April 1, 2027, and at each three-year interval ending on April 1 thereafter, each monetary limit in effect under this section immediately before such April 1 shall be adjusted to reflect the change in the Consumer Price Index for all urban consumers (CPI-U), as published by the Bureau of Labor Statistics of the U.S. Department of Labor, for the most recent three-year period ending immediately before January 1 preceding such April 1, and rounded to the nearest \$25, the dollar amount that represents such change. Adjustments made in this section shall not apply with respect to bankruptcy cases commenced before April 1, 2027.

Code 1919, § 6552; 1934, p. 371; 1936, p. 322; 1956, c. 637; 1970, c. 428; 1975, c. 466; 1976, c. 150; 1977, cc. 253, 496; 1990, c. 942; 1992, c. 644; 1993, c. 150; 2001, c. 483; 2002, c. 88; 2011, cc. 761, 835; 2015, c. 686; 2024, c. 656.

**REQUEST FOR HEARING – EXEMPTION CLAIM**  
Commonwealth of Virginia VA. CODE § 8.01-546.1

Case No. ....

..... Court

..... V. ....  
PLAINTIFF/JUDGMENT CREDITOR

DEFENDANT/JUDGMENT DEBTOR

I claim that the exemption(s) that are checked below apply in this case:

**MAJOR EXEMPTIONS UNDER FEDERAL AND STATE LAW —**

[There is no exemption solely because you are having difficulty paying your bills.]

- ..... 1. Social Security benefits and Supplemental Security Income (SSI) (42 U.S.C. § 407).
- ..... 2. Veteran’s benefits (38 U.S.C. § 5301).
- ..... 3. Federal civil service retirement benefits (5 U.S.C. § 8346).
- ..... 4. Annuities to survivors of federal judges (28 U.S.C. § 376(n)).
- ..... 5. Longshore and Harbor Workers' Compensation Act (33 U.S.C. § 916).
- ..... 6. Black lung benefits (30 U.S.C. §§ 931 (b)(2)(F) and 932(a)).

Exemptions listed under 1 through 6 above may not be applicable in child support and alimony cases (42 U.S.C. § 659).

- ..... 7. Seaman's, master's or fisherman’s wages, except for child or spousal support and maintenance (46 U.S.C.A. § 11109).
- ..... 8. Unemployment compensation benefits (§ 60.2-600, Code of Virginia).

This exemption may not be applicable in child support cases (§ 60.2-608, Code of Virginia).

- ..... 9. Portions or amounts of wages subject to garnishment (§ 34-29, Code of Virginia).
- ..... 10. Public assistance payments (§ 63.2-506, Code of Virginia).
- ..... 11. a. Homestead – \$5,000, or \$10,000 if the householder is 65 years of age or older, worth of cash, personal articles or real property and, in addition, real or personal property used as the principal residence of the householder or the householder’s dependents not exceeding \$50,000 in value (§§ 34-4, Code of Virginia) [Attach list of items claimed].
- ..... b. Property of disabled veterans – additional \$10,000 worth of cash, personal articles or real property (§ 34-4.1, Code of Virginia) [Attach list of items claimed].

Exemptions listed under 11 may not be claimed in certain cases such as payment of child or spousal support, or the purchase of the article which is being taken or levied on (§ 34-5, Code of Virginia).

- ..... 12. Certain specific articles — see description on reverse side (§§ 34-26 and 34-27, Code of Virginia) [Attach list of articles claimed].
- ..... 13. Workers’ Compensation (§ 65.2-531, Code of Virginia).
- ..... 14. Growing crops (§ 8.01-489, Code of Virginia).
- ..... 15. Benefits from group life insurance policies (§ 38.2-3339, Code of Virginia).
- ..... 16. Proceeds from industrial sick benefits insurance (§ 38.2-3549, Code of Virginia).
- ..... 17. Assignments of certain salary and wages (§ 8.01-525.10, Code of Virginia).
- ..... 18. Pre-need funeral contracts (§ 54.1-2823, Code of Virginia).
- ..... 19. Benefits for victims of crime (§ 19.2-368.12, Code of Virginia).
- ..... 20. Certain retirement benefits (§ 34-34, Code of Virginia).
- ..... 21. Other (describe exemption): .....

I request a court hearing to decide the validity of my claim. Notice of the hearing should be given to me at:

.....  
ADDRESS

.....  
TELEPHONE NUMBER

The statements made in this request are true to the best of my knowledge and belief.

.....  
DATE

.....  
SIGNATURE OF DEFENDANT/JUDGMENT DEBTOR

## NOTICE TO DEBTOR — HOW TO CLAIM EXEMPTIONS

The attached paper is a legal process which has been issued by the court clerk on request of a creditor who holds a judgment against you or claims that you owe him money or property. This allows the Sheriff either to take or to “levy upon” (make a list of) certain property in your possession for future sale.

The law provides that some types of property and funds (including some wages) cannot be taken by legal process. Such property is exempt. The Sheriff may not take or “levy on” certain property (§§ 34-26 and 34-27 of the Code of Virginia). Some of these items are:

The family Bible; wedding and engagement rings; family portraits and family heirlooms not to exceed \$5,000 in value; a lot in a burial ground; all wearing apparel of the householder not to exceed \$1,000 in value; all household furnishings including, but not limited to, beds, dressers, floor coverings, stoves, refrigerators, washing machines, dryers, sewing machines, pots and pans for cooking, plates, and eating utensils, not to exceed \$5,000 in value; firearms, not to exceed a total of \$3,000 in value; all animals owned as pets, such as cats, dogs, birds, squirrels, rabbits and other pets not kept or raised for sale or profit; medically prescribed health aids; tools, books, instruments, implements, equipment and machines, including motor vehicles, vessels, and aircraft, which are necessary for use in the course of the householder’s occupation or trade not exceeding \$10,000 in value, except that a perfected security interest on such personal property shall have priority over the claim of exemption under this part (“occupation,” includes enrollment in any public or private elementary, secondary, or vocational school or institution of higher education); motor vehicles, not held as exempt as necessary for use in the course of the householder’s occupation or trade owned by the householder, not to exceed a total of \$10,000 in value, except that a perfected security interest on a motor vehicle shall have priority over the claim of exemption under this part; those portions of a tax refund or government payment attributable to the Child Tax Credit or Additional Child Tax Credit pursuant to § 24 of the Internal Revenue Code of 1986, as amended, or the Earned Income Credit pursuant to § 32 of the Internal Revenue Code of 1986, as amended; unpaid spousal or child support.

The value of an item claimed as exempt shall be the fair market value of the item less any prior security interest. The monetary limits, where provided, are applicable to the total value of property claimed as exempt.

Exemptions which may apply are listed on the other side of this form and the items listed above can be claimed under No. 12. Please read these carefully.

If you believe that any of your property that the Sheriff wants to take or “levy upon” is exempt, you should tell the Sheriff the property that you believe is exempt and which exemption applies. You should also identify any property which belongs to someone else and who is the owner of such property. A false statement may be punished as contempt under §18.2-456(5) of the Code of Virginia.

If the Sheriff “levies on” or takes property that you believe is exempt, you should promptly (i) fill out the REQUEST FOR HEARING—EXEMPTION CLAIM form and (ii) deliver or mail the form to the clerk’s office of this court. If the attached paper is an Attachment Summons, you have the right to a prompt hearing within ten business days from the date that you file your request for a hearing with the court. In all other cases, you must *ask* for a prompt hearing before the “Return Date” on the attached papers. If the attached paper is a Writ of Fieri Facias, the property may be sold by the Sheriff before the “Return Date;” therefore, if you wish to claim an exemption, you should ask immediately for a prompt hearing on your claim. At a prompt hearing, the only thing that you may do is explain why your property is exempt. If you do not come to court on the date and at the time set and prove that your property is exempt, you may lose some of your rights regarding your property.

If the Sheriff takes your property, you may post a bond to recover your property; however, once you post a bond, the creditor may post a bond to have the property kept from you. If you retain possession of any property “levied on,” *it is your responsibility not to sell, damage, or otherwise dispose of such property “levied on” until the proceedings are finished.*

If the attached paper is an Attachment Summons, a Warrant of Distress, an Order of Seizure in Distress, a Warrant in Detinue or an Order for Detinue Seizure, no judgment has been entered against you yet. On the “Return Date” shown on the attached paper, your case will be tried or scheduled for trial. At that time, you may tell the judge any defenses you may have to the creditor’s claims.

It may be helpful to you to *promptly* seek the advice of an attorney regarding this and other exemption rights.

**THE REQUEST FOR HEARING—EXEMPTION CLAIM FORM IS PRINTED ON THE OTHER SIDE.**

**REQUEST FOR HEARING –  
GARNISHMENT/LIEN EXEMPTION CLAIM**

Case No. ....

Commonwealth of Virginia VA. CODE § 8.01-512.4

.....  
COURT NAME

.....  
JUDGMENT CREDITOR

V. ....

.....  
JUDGMENT DEBTOR

and .....

.....  
GARNISHEE

I claim that the exemption(s) from garnishment or lien that are checked below apply in this case:

**MAJOR EXEMPTIONS UNDER FEDERAL AND STATE LAW**  
**[There is no exemption solely because you are having difficulty paying your bills.]**

- \_\_\_\_\_ 1. Social Security benefits and Supplemental Security Income (SSI) (42 U.S.C. § 407).
- \_\_\_\_\_ 2. Veterans' benefits (38 U.S.C. § 5301).
- \_\_\_\_\_ 3. Federal civil service retirement benefits (5 U.S.C. § 8346).
- \_\_\_\_\_ 4. Annuities to survivors of federal judges (28 U.S.C. § 376(n) ).
- \_\_\_\_\_ 5. Longshore and Harbor Workers' Compensation Act (33 U.S.C. § 916).
- \_\_\_\_\_ 6. Black Lung benefits.

Exemptions listed under 1 through 6 above may not be applicable in child support and alimony cases (42 U.S.C. § 659).

- \_\_\_\_\_ 7. Seaman's, master's or fisherman's wages, except for child support or spousal support and maintenance (46 U.S.C. § 11109).
- \_\_\_\_\_ 8. Unemployment compensation benefits (§ 60.2-600, Code of Virginia). This exemption may not be applicable in child support cases (§ 60.2-608, Code of Virginia).
- \_\_\_\_\_ 9. Amounts in excess of portions of wages subject to garnishment (§ 34-29, Code of Virginia).
- \_\_\_\_\_ 10. Public assistance payments (§ 63.2-506, Code of Virginia).
- \_\_\_\_\_ 11. Homestead exemption of \$5,000 in cash, or \$10,000 if the householder is 65 years of age or older, and in addition, real or personal property used as the principal residence of the householder or householder's dependents not exceeding \$50,000 in value. (§ 34-4, Code of Virginia). This exemption may not be claimed in certain cases, such as payment of child or spousal support (§ 34-5, Code of Virginia).
- \_\_\_\_\_ 12. Property of disabled veterans – additional \$10,000 cash (§ 34-4.1, Code of Virginia).
- \_\_\_\_\_ 13. Worker's Compensation benefits (§ 65.2-531, Code of Virginia).
- \_\_\_\_\_ 14. Growing crops (§ 8.01-489, Code of Virginia).
- \_\_\_\_\_ 15. Benefits from group life insurance policies (§ 38.2-3339, Code of Virginia).
- \_\_\_\_\_ 16. Proceeds from industrial sick benefits insurance (§ 38.2-3549, Code of Virginia).
- \_\_\_\_\_ 17. Assignments of certain salary and wages (§ 8.01-525.10, Code of Virginia).
- \_\_\_\_\_ 18. Benefits for victims of crime (§ 19.2-368.12, Code of Virginia).
- \_\_\_\_\_ 19. Proceeds from funeral trusts (§ 54.1-2823, Code of Virginia).
- \_\_\_\_\_ 20. Certain retirement benefits (§ 34-34, Code of Virginia).
- \_\_\_\_\_ 21. Child support payments (§ 20-108.1, Code of Virginia).
- \_\_\_\_\_ 22. Support for dependent children (§ 34-4.2, Code of Virginia). To claim this exemption, an affidavit that complies with the requirements of subsection B of § 34-4.2 and two items of proof showing entitlement to this exemption must be attached to this exemption form. (The affidavit, form DC-449, AFFIDAVIT CONCERNING DEPENDENT CHILDREN AND HOUSEHOLD INCOME, is available at <http://www.vacourts.gov/forms/district/dc449.pdf> or the clerk's office.)
- \_\_\_\_\_ 23. Other (describe exemption): \$ .....

I request a court hearing to decide the validity of my claim. Notice of hearing should be given to me at:

.....  
ADDRESS

.....  
TELEPHONE NUMBER

The statements made in this request are true to the best of my knowledge and belief.

.....  
DATE

.....  
SIGNATURE OF JUDGMENT DEBTOR

## **NOTICE TO JUDGMENT DEBTOR HOW TO CLAIM EXEMPTIONS FROM GARNISHMENT AND LIEN**

The attached Summons in Garnishment or Notice of Lien has been issued on request of a creditor who holds a judgment against you. The Summons may cause your property or wages to be held or taken to pay the judgment.

The law provides that certain property and wages cannot be taken in garnishment. Such property is said to be exempted. A summary of some of the major exemptions is set forth in the request for hearing form. There is no exemption solely because you are having difficulty paying your debts.

If you claim an exemption, you should (i) fill out the claim for exemption form and (ii) deliver or mail the form to the clerk's office of this court.

You have a right to a hearing within seven business days from the date you file your claim with the court. If the creditor is asking that your wages be withheld, the method of computing the amount of wages that are exempt from garnishment by law is indicated on the Summons in Garnishment attached. You do not need to file a claim for exemption to receive this exemption, but if you believe the wrong amount is being withheld, you may file a claim for exemption.

On the day of the hearing, you should come to court ready to explain why your property is exempted, and you should bring any documents that may help you prove your case. If you do not come to court at the designated time and prove that your property is exempt, you may lose some of your rights.

**If you do not claim an exemption and do not otherwise contest the garnishment, you are not required to appear in court on the return date on the Garnishment Summons.**

It may be helpful for you to seek the advice of an attorney in this matter.

**THE REQUEST FOR HEARING FORM IS PRINTED ON THE REVERSE OF THIS FORM.**

## Legislative Update - Exemption Amounts

*Virginia Code §8.01-512.4*

*Virginia Code §8.01-546.1*

*Virginia Code §34-4*

*Virginia Code §34-26*

- House Bill 1339 amended the dollar amount for certain exemption categories (as set forth in Va. Code §34-4 and Va. Code §34-26).
- DC-407 (Request for Hearing – Exemption Claim) and DC-454 (Request for Hearing – Garnishment/Lien Exemption Claim) were the two forms updated this year, and they now include the updated amounts.

Code of Virginia  
Title 8.01. Civil Remedies and Procedure  
Chapter 18. Executions and Other Means of Recovery

**§ 8.01-506. Proceedings by interrogatories to ascertain estate of debtor; summons; proviso; objections by judgment debtor.**

A. To ascertain the personal estate of a judgment debtor, and to ascertain any real estate, in or out of the Commonwealth, to which the debtor named in a judgment and fieri facias is entitled, upon the application of the execution creditor, the clerk of the court from which such fieri facias issued shall issue a summons against (i) the execution debtor; (ii) any officer, manager, or partner of a corporation, limited liability company, partnership, or other business entity if such execution debtor is an entity having an office in the Commonwealth; (iii) any employee of such entity if such execution debtor is an entity having an office but no known officers, managers, or partners in the Commonwealth, provided that a copy of the summons shall also be served upon the registered agent of such entity; or (iv) any debtor to, or bailee of, the execution debtor if the judgment creditor or such judgment creditor's attorney files an affidavit that he knows or reasonably suspects such person to be a debtor to, or bailee of, the execution debtor.

B. The summons shall require him to appear before the court from which the fieri facias issued or a commissioner of the county or city in which such court is located, or a like court or a commissioner of a county or city contiguous thereto, or upon request of the execution creditor, before a like court or a commissioner of the county or city in which the execution debtor resides, or of a county or city contiguous thereto, to answer such interrogatories as may be propounded to him by the execution creditor or his attorney, or the court, or the commissioner, as the case may be. If the execution creditor requests that the summons require the execution debtor to appear before a like court of the county or city in which the execution debtor resides, or of a county or city contiguous thereto, the case may be filed or docketed in accordance with the requirements of § 8.01-506.2 prior to issuance of the summons.

C. Before proceeding under this section, the execution creditor shall furnish to the court a certificate setting forth that he has not proceeded against the execution debtor under this section within the six months last preceding the date of such certificate. However, for good cause shown, the court may, on motion of the execution creditor, issue an order allowing further proceedings before a commissioner by interrogatories during the six-month period. Any judgment creditor who knowingly gives false information upon any such certificate made under this article is guilty of a Class 1 misdemeanor. The issuance of a summons that is not served shall not constitute the act of proceeding against an execution debtor for purposes of making the certificate required by this subsection.

D. The debtor or other person served with such summons shall appear at the time and place mentioned and make answer to such interrogatories. The commissioner shall, at the request of either of the parties, enter in his proceedings and report to the court mentioned in § 8.01-507.1 any and all objections taken by such debtor against answering such interrogatories, or any or either of them, and if the court afterwards sustains any one or more of such objections, the answers given to such interrogatories as to which objections are sustained shall be held for naught in that or any other case.

E. Notwithstanding the foregoing provisions of this section, the court from which a writ of fieri facias issued, upon motion by the execution debtor, or by a person summoned pursuant to clause (iv) of subsection A, for good cause shown, shall transfer debtor interrogatory proceedings to a more convenient forum.

Code 1950, § 8-435; 1952, c. 699; 1968, c. 599; 1977, c. 617; 1978, c. 66; 1979, c. 225; 1985, c. 433; 1987, c. 182; 1991, c. 463; 2005, c. 726; 2009, c. 622; 2024, c. 744.

Code of Virginia  
Title 16.1. Courts Not of Record  
Chapter 6. Venue, Jurisdiction and Procedure in Civil Matters

**§ 16.1-103. Proceedings by interrogatories.**

Whenever a fieri facias has been issued upon a judgment rendered in a general district court the judge or clerk of the court may issue the summons provided for in § 8.01-506. In such case the judge of the general district court shall have all of the powers and authority respecting interrogatories conferred by §§ 8.01-506 to 8.01-510 upon any court or judge mentioned therein. The commissioner before whom any person is required to appear by such summons shall have the same powers and authority as if such summons had been issued under § 8.01-506. All interrogatories, answers, reports and other proceedings under such summons, and also all money, evidences of indebtedness and other security in the hands of an officer which are directed by any section of Chapter 18 (§ 8.01-466 et seq.) of Title 8.01 to be returned or delivered to such court or judge, or to the clerk's office of such court, shall, when the summons was issued by a judge of a general district court be returned or delivered in like manner to the court from which the summons issued.

From any order of the judge of the general district court which involves the disposition of any money or property exceeding the sum of fifty dollars in value, exclusive of interest, there shall be an appeal in the same manner and upon the same conditions as in appeals from judgments rendered in civil matters in general district courts.

1956, c. 555; 1978, c. 66; 1983, c. 499.

**SUMMONS TO ANSWER INTERROGATORIES** Va. Code §§ 8.01-506, 16.1-103

..... General District Court  
CITY OR COUNTY

STREET ADDRESS OF COURT

TO ANY SERVING OFFICER: Serve this summons on the Respondent then return this summons to the Court of Commissioner in Chancery designated below before whom the Respondent is to appear.  
TO THE RESPONDENT: A Writ of Fieri Facias was issued on a judgment in favor of Judgment Creditor(s) against Judgment Debtor(s) as indicated below, and the Writ of Fieri Facias constitutes a lien upon the personal estate(s) of the Judgment Debtor(s). At the Judgment Creditor(s) request, you are hereby commanded to appear on

..... at ..... before  
DATE TIME  
[ ] this Court (or) [ ] ..... Court (or)  
[ ] ..... Commissioner in Chancery

STREET ADDRESS

to answer questions concerning property and assets of Judgment Debtor(s) which are held or controlled by the Respondent.  
TO JUDGE OR COMMISSIONER IN CHANCERY: Forward these case papers to the issuing court upon completion of the interrogatory proceedings.

DATE ISSUED [ ] CLERK [ ] JUDGE

**REQUEST FOR SUMMONS TO ANSWER INTERROGATORIES**

I request the issuance of a Summons to Answer Interrogatories in connection with the judgment [ ] in this case [ ] of the ..... Court requiring the execution debtor to appear before the court named above, where the execution debtor resides or contiguous thereto. I have paid the required fees and have filed or docketed an Abstract of Judgment in this court. The details and status of such judgment are:

DATE WRIT OF FIERI FACIAS ISSUED	DATE OF JUDGMENT UPON WHICH	AMOUNT	COSTS	ATTY'S FEES
LEGAL INTERESTS DUE ON JUDGMENT: RATES AND BEGINNING DATE(S)		CREDITS	TOTAL BALANCE DUE	
		\$	\$	\$

I certify that I have not proceeded against the Judgment Debtor(s) under § 8.01-506 within six (6) months from this date.

DATED ISSUED [ ] JUDGMENT CREDITOR [ ] JUDGMENT CREDITOR'S ATTORNEY

ADDRESS/TELEPHONE NUMBER OF [ ] JUDGMENT CREDITOR [ ] JUDGMENT CREDITOR'S ATTORNEY

**WRIT OF FIERI FACIAS TO ANY AUTHORIZED OFFICER:** You are commanded to make the money herein mentioned, the principal, interest, costs and attorney's fees, less credits (itemized on the attached list), as shown above, out of the goods, chattels, money, bank notes and other personal property or intangible personal estate of the Judgment Debtor(s). You are further commanded to make your return to the Clerk's Office within 90 days of this date.

Homestead Exemption Waived? [ ] yes [ ] no [ ] cannot be demanded

DATE CLERK

RETURN DATE CASE NO.

**SUMMONS TO ANSWER INTERROGATORIES AND WRIT OF FIERI FACIAS**

RESPONDENT [ ] SAME AS DEFENDANT

ADDRESS/LOCATION

IN CONNECTION WITH THE CASE OF:

PLAINTIFF(S)

v.

DEFENDANT(S)

Plaintiffs are Judgment: [ ] Creditors [ ] Debtor(s)  
Defendant(s) are Judgment: [ ] Creditors [ ] Debtor(s)

ATTORNEY FOR PLAINTIFF(S)

**WARNING TO RESPONDENT:** If you fail to appear in response to this summons, or if you fail to answer questions put to you at the hearing, or if you make answers deemed by the Court or Commissioner presiding to be evasive, YOU MAY BE SUBJECT TO ARREST AND IMPRISONMENT UNTIL SUCH TIME AS YOU SHALL MAKE PROPER ANSWERS.

HEARING DATE AND TIME

**To the Judgment Debtor or any debtor to, or bailee of, the Judgment Debtor:** If you wish to have this hearing transferred to a city or county where it would be more convenient for you to appear than the city or county shown on the front of this summons and you "show good cause" (give a good reason) for the transfer, the court will move the hearing. To use this procedure, you must do the following:

1. Prepare a written request which contains (a) this court's name, (b) the case number and the "return date" as shown on the other side of this form in the right corner, (c) Plaintiff(s)' name(s) and Defendant(s)' name(s), (d) the phrase "I move to transfer this hearing because" and state the reasons for wanting to transfer, and also state in which city or county the case should be tried, and (e) your signature and mailing address.
2. File the written request with the clerk's office of the court named at the top of the front side of this summons before the hearing date (use the mail at your own risk). If the summons requires the hearing to be held at a different court or before a commissioner in chancery, also send or deliver a copy (marked "COPY") to that court or commissioner in chancery. Finally, also send or deliver a copy to the Judgment Creditor(s) as shown on the front of this summons.
3. You will be notified of the judge's decision.

I certify that I mailed a copy of this document to the defendants named therein at the address shown therein on

DATE \_\_\_\_\_

PLAINTIFF  
 PLAINTIFF'S ATTORNEY

---

Fi. Fa. issued on .....

.....

Interrogatories issued on .....

Garnishment issued on .....

.....

**CAME TO HAND**

.....  
DATE AND TIME

SHERIFF

**NOTE:**

Return of Writ of Fieri Facias to be used if no effects found—otherwise, use appropriate sections of DC-467, WRIT OF FIERI FACIAS.

NO EFFECTS FOUND

.....  
DATE

.....  
SHERIFF

by \_\_\_\_\_  
DEPUTY SHERIFF

**RETURNS: Each defendant was served according to law, as indicated below, unless not found.**

NAME .....

.....

ADDRESS .....

.....

PERSONAL SERVICE Tel. No. ....

Being unable to make personal service, a copy was delivered in the following manner:

Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode of party named above after giving information of its purport. List name, age of recipient, and relation of recipient to party named above.

.....

Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above. (Other authorized recipient not found.)

Served on Secretary of the Commonwealth.

Not found

.....  
DATE

SERVING OFFICER

.....  
for \_\_\_\_\_

NAME .....

.....

ADDRESS .....

.....

PERSONAL SERVICE Tel. No. ....

Being unable to make personal service, a copy was delivered in the following manner:

Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode of party named above after giving information of its purport. List name, age of recipient, and relation of recipient to party named above.

.....

Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above. (Other authorized recipient not found.)

Served on Secretary of the Commonwealth.

Not found

.....  
DATE

SERVING OFFICER

.....  
for \_\_\_\_\_

## Legislative Update – Debtor’s Interrogatories

*Virginia Code §8.01-506*

*Virginia Code §16.1-103*

- House Bill 1248 provided, in part, that in addition to the judgment debtor, any debtor to, or bailee of, the judgment debtor may request that the court transfer the debtor interrogatory proceedings to a more convenient forum, for good cause shown.
- The DC-440 (Summons to Answer Interrogatories) form was amended on the reverse side in accordance with this legislation.

# **LANDLORD/TENANT**

## § 55.1-1244. Tenant's assertion; rent escrow

A. The tenant may assert that there exists upon the leased premises a condition that constitutes a material noncompliance by the landlord with the rental agreement or with provisions of law or that, if not promptly corrected, will constitute a fire hazard or serious threat to the life, health, or safety of occupants of the premises, including (i) a lack of heat or hot or cold running water, except where the tenant is responsible for payment of the utility charge and where the lack of such heat or hot or cold running water is the direct result of the tenant's failure to pay the utility charge; (ii) a lack of light, electricity, or adequate sewage disposal facilities; (iii) an infestation of rodents; or (iv) the existence of paint containing lead pigment on surfaces within the dwelling, provided that the landlord has notice of such paint. The tenant may file such an assertion in a general district court in which the premises is located by a declaration setting forth such assertion and asking for one or more forms of relief as provided for in subsection D.

B. Prior to the granting of any relief, the tenant shall show to the satisfaction of the court that:

1. Prior to the commencement of the action, the landlord or his agent refused or, having a reasonable opportunity to do so, failed to remedy the condition for which he was served a written notice of the condition by the tenant or was notified of such condition by a violation or condemnation notice from an appropriate state or local agency. For the purposes of this subsection, what period of time shall be deemed to be unreasonable delay is left to the discretion of the court, except that there shall be a rebuttable presumption that a period in excess of 30 days from receipt of the notification by the landlord is unreasonable; and

2. The tenant has paid into court the amount of rent called for under the rental agreement, within five days of the date due under the rental agreement, unless or until such amount is modified by subsequent order of the court under this chapter.

C. It shall be sufficient answer or rejoinder to an assertion made pursuant to subsection A if the landlord establishes to the satisfaction of the court that (i) the conditions alleged by the tenant do not in fact exist; (ii) such conditions have been removed or remedied; (iii) such conditions have been caused by the tenant, his guest or invitee, members of the family of such tenant, or a guest or invitee of such family member; or (iv) the tenant has unreasonably refused entry to the landlord to the premises for the purpose of correcting such conditions.

D. Any court shall make findings of fact on the issues before it and shall issue any order that may be required. Such an order may include any one or more of the following:

1. Terminating the rental agreement upon the request of the tenant or ordering the surrender of the premises to the landlord if the landlord prevails on a request for possession pursuant to an unlawful detainer properly filed with the court;

2. Ordering all moneys already accumulated in escrow disbursed to the landlord or to the tenant in accordance with this chapter;

3. Ordering that the escrow be continued until the conditions causing the complaint are remedied;
4. Ordering that the amount of rent, whether paid into the escrow account or paid to the landlord, be abated as determined by the court in such an amount as may be equitable to represent the existence of any condition found by the court to exist. In all cases where the court deems that the tenant is entitled to relief under this chapter, the burden shall be upon the landlord to show cause why there should not be an abatement of rent;
5. Ordering any amount of moneys accumulated in escrow disbursed to the tenant where the landlord refuses to make repairs after a reasonable time or to the landlord or to a contractor chosen by the landlord in order to make repairs or to otherwise remedy the condition. In either case, the court shall in its order insure that moneys thus disbursed will be in fact used for the purpose of making repairs or effecting a remedy;
6. Referring any matter before the court to the proper state or local agency for investigation and report and granting a continuance of the action or complaint pending receipt of such investigation and report. When such a continuance is granted, the tenant shall deposit with the court, within five days of date due under the rental agreement, subject to any abatement under this section, rents that become due during the period of the continuance, to be held by the court pending its further order;
7. Ordering escrow funds disbursed to pay a mortgage on the property in order to stay a foreclosure; or
8. Ordering escrow funds disbursed to pay a creditor to prevent or satisfy a bill to enforce a mechanic's or materialman's lien.

E. Notwithstanding any provision of subsection D, where an escrow account is established by the court and the condition is not fully remedied within six months of the establishment of such account, and the landlord has not made reasonable attempts to remedy the condition, the court shall award all moneys accumulated in escrow to the tenant. In such event, the escrow shall not be terminated, but shall begin upon a new six-month period with the same result if, at the end of the period, the condition has not been remedied.

F. The initial hearing on the tenant's assertion filed pursuant to subsection A shall be held within 15 calendar days from the date of service of process on the landlord as authorized by § 55.1-1216, except that the court shall order an earlier hearing where emergency conditions are alleged to exist upon the premises, such as failure of heat in winter, lack of adequate sewage disposal facilities, or any other condition that constitutes an immediate threat to the health or safety of the inhabitants of the leased premises. The court, on motion of either party or on its own motion, may hold hearings subsequent to the initial proceeding in order to further determine the rights and obligations of the parties. Distribution of escrow moneys may only occur by order of the court after a hearing of which both parties are given notice as required by law or upon motion of both the landlord and tenant or upon certification by the appropriate inspector that the work required by the court to be done has been satisfactorily completed. If the tenant proceeds under this subsection, he may not proceed under any other section of this article as to that breach.

G. In cases where the court deems that the tenant is entitled to relief under this section and enters judgment for the tenant, the court, in its discretion, may impose upon the landlord the reasonable costs of the tenant, including court costs, and reasonable attorney fees.

1974, c. 680, § 55-248.27; 2000, c. 760;2001, c. 524;2016, cc. 384, 459;2017, c. 730;2019, cc. 324, 712.

The chapters of the acts of assembly referenced in the historical citation at the end of this section(s) may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

**TENANT'S ASSERTION AND COMPLAINT**

Commonwealth of Virginia VA. CODE § 55.1-1244

..... General District Court

.....  
STREET ADDRESS OF COURT

**TO ANY AUTHORIZED OFFICER:**

You are hereby commanded to summon the Defendant(s) to appear on .....  
before this court to answer. DATE AND TIME

.....  
DATE

.....  
 CLERK  DEPUTY CLERK  MAGISTRATE

I, the undersigned Tenant, this day assert that Plaintiff(s) executed a lease as indicated with Defendant(s) for the rental of the dwelling unit or premises indicated.

DATE LEASE EXECUTED	DATE RENTAL PERIOD COMMENCED	DATE RENTAL PERIOD ENDS
AMOUNT OF RENT		PERIOD AND CONDITIONS OF PAYMENT
due each		

The following conditions, for which relief is sought, currently exist in the dwelling unit or premises:

- ....., and these conditions
- constitute material non-compliance by Defendant(s) – Landlord(s) with the rental agreement as indicated below; [or]
  - constitute material non-compliance by Defendant(s) – Landlord(s) with the provisions of law, as indicated below; [or]
  - will constitute a fire hazard or serious threat to the life, health, or safety of occupant, if not properly corrected, as indicated below;

.....  
LIST PERTINENT SECTION OF RENTAL AGREEMENT [OR] SECTION OF THE CODE OF VIRGINIA [OR] TYPE OF HAZARD. EXPLAIN.

Plaintiff(s) – Tenant(s) therefore requests that the Court grant the following specific relief:

....., and any other appropriate relief.

I certify that all prerequisite conditions for relief, as shown on the reverse of this form, have been met.

.....  
DATE

.....  
TENANT

**CASE DISPOSITION**

Judgment:  Plaintiff(s) \$ .....  Defendant(s) \$ .....

\$ ..... costs and \$ ..... attorney fees awarded to  Plaintiff(s)  Defendant(s)

Distribution of funds held in escrow in the court:

\$ ..... Plaintiff(s)  \$ ..... Defendant(s)

Other: .....

NON-SUIT  DISMISSED Defendant(s) present?  Yes  No

.....  
DATE ENTERED

.....  
JUDGE

RETURN DATE

CASE NO.

HEARING DATE  
AND TIME

**TENANT'S ASSERTION  
AND COMPLAINT**

.....  
PLAINTIFF(S) – TENANT(S)

**V.**

.....  
DEFENDANT(S) – LANDLORD(S)

ADDRESS/LOCATION OF DWELLING UNIT OR PREMISES SUBJECT  
TO THIS ACTION

TO DEFENDANT: You are not required to appear; however, if you fail to appear, judgment may be entered against you. See the additional notice on page two about requesting a change of trial location.

To dispute this claim, you must appear on the return date to try this case.

To dispute this case, you must appear on the return date for the judge to set another date for trial. See additional notice on page two.

\* \* \*

Bill of Particulars .....  
ORDERED DUE

Grounds of Defense .....  
ORDERED DUE

**ATTORNEY FOR PLAINTIFF(S)**

**ATTORNEY FOR DEFENDANT(S)**

**PREREQUISITE CONDITIONS FOR RELIEF**

BEFORE THIS COURT MAY GRANT ANY RELIEF, THE FOLLOWING CONDITIONS MUST BE MET:

1. The dwelling unit or premises which is the subject of the complaint must be located within the jurisdiction of this Court, that is, within the city or county indicated in the name of this Court.
2. The conditions existing in the dwelling unit or premises for which relief is sought must not have been caused by Plaintiff(s) – Tenant(s), nor by the family, guests or invitees of Plaintiff(s) – Tenant(s).
3. The Plaintiff(s) – Tenant(s) must not have unreasonably refused entry to the Defendant(s) – Landlord(s), or the agents of Defendant(s) – Landlord(s) when entry was sought to make the necessary repairs.
4. Prior to commencement of the action, the landlord was served a written notice by the tenant of conditions described on the front of this form, or was notified of such conditions by a violation or condemnation notice from an appropriate state or municipal agency, and that the landlord has refused, or having a reasonable opportunity to do so, has failed to remedy the same through no fault on the Tenant’s part. Such written notice may be served by (a) regular mail (postage prepaid), with the sender retaining proof of mailing (such as a U.S. Postal Service certificate of mailing) or (b) hand delivery by the sheriff or a disinterested third party, 18 years of age or older, when delivery made in accordance with Chapter 8 of Title 8.01 of the Code of Virginia.
5. Any and all rents due under the lease, or as modified by the Court, have been paid into the Court within five days of their due date.
6. This action in this Court is the sole remedy now being sought by the Plaintiff(s) – Tenant(s) for the conditions existing in the dwelling unit or premises that are the subject of this complaint.

**I certify that I mailed a copy of this document to the defendants named therein at the address shown therein on**

.....

DATE \_\_\_\_\_ [ ] Plaintiff  
 [ ] Plaintiff’s Attorney  
 [ ] Plaintiff’s Employee

Fi. Fa. issued on .....

Interrogatories issued on .....

Garnishment issued on .....

**RETURNS: Each defendant was served according to law, as indicated below, unless not found.**

Name .....

Address .....

.....

[ ] PERSONAL SERVICE      Tel. No. ....

[ ] Being unable to make personal service, a copy was delivered in the following manner:

[ ] Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode of party named above after giving information of its purport. List name, age of recipient, and relation of recipient to party named above.

.....

[ ] Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above. (Other authorized recipient not found.)

[ ] Served on Secretary of the Commonwealth.

[ ] Not found

..... for \_\_\_\_\_ SERVING OFFICER

DATE

Name .....

Address .....

.....

[ ] PERSONAL SERVICE      Tel. No. ....

[ ] Being unable to make personal service, a copy was delivered in the following manner:

[ ] Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode of party named above after giving information of its purport. List name, age of recipient, and relation of recipient to party named above.

.....

[ ] Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above. (Other authorized recipient not found.)

[ ] Served on Secretary of the Commonwealth.

[ ] Not found

..... for \_\_\_\_\_ SERVING OFFICER

DATE

Code of Virginia  
Title 8.01. Civil Remedies and Procedure  
Chapter 3. Actions

**§ 8.01-126. Summons for unlawful detainer issued by magistrate or clerk or judge of a general district court.**

A. For the purposes of this section, "termination notice" means a notice given under § 55.1-1245 or other notice of termination of tenancy given by the landlord to the tenant of a dwelling unit, or any notice of termination given by a landlord to a tenant of a nonresidential premises.

B. In any case when possession of any house, land or tenement is unlawfully detained by the person in possession thereof, the landlord, his agent, attorney, or other person, entitled to the possession may present to a magistrate or a clerk or judge of a general district court a statement under oath of the facts which authorize the removal of the tenant or other person in possession, describing such premises; and thereupon such magistrate, clerk or judge shall issue his summons against the person or persons named in such affidavit. The process issued upon any such summons issued by a magistrate, clerk or judge may be served as provided in § 8.01-293, 8.01-296, or 8.01-299. When issued by a magistrate it may be returned to and the case heard and determined by the judge of a general district court. If the summons for unlawful detainer is filed to terminate a tenancy pursuant to the Virginia Residential Landlord and Tenant Act (§ 55.1-1200 et seq.), the initial hearing on such summons shall occur as soon as practicable, but not more than 21 days from the date of filing. If the case cannot be heard within 21 days from the date of filing, the initial hearing shall be held as soon as practicable, but in no event later than 30 days after the date of the filing. If the plaintiff requests that the initial hearing be set on a date later than 21 days from the date of filing, the initial hearing shall be set on a date the plaintiff is available that is also available for the court. Such summons shall be served at least 10 days before the return day thereof. If a summons for unlawful detainer is filed by an owner of a residential single family dwelling unit in the Commonwealth and the court finds based upon the evidence that (i) no rental agreement exists or has ever existed between the owner and the occupant; (ii) the occupant occupies such dwelling unit without permission of such owner; and (iii) the owner has given such occupant a written notice to vacate such dwelling unit at least 72 hours prior to the date of filing, an emergency hearing on such summons shall occur as soon as practicable, but not more than 14 days from the date of filing. If the case cannot be heard within 14 days from the date of filing, the emergency hearing shall be held as soon as practicable, but in no event later than 30 days after the date of the filing.

C. Any summons issued pursuant to the provisions of this section shall contain a notice to the tenant that, pursuant to the provisions of § 18.2-465.1, it is unlawful for his employer to discharge him from employment or take any adverse personnel action against him as a result of his absence from employment due to appearing at any initial or subsequent hearing on such summons, provided that he has given reasonable notice of such hearing to his employer.

D. The court shall not enter an order of possession unless the plaintiff, plaintiff's attorney, or agent has presented a copy of a proper termination notice issued to the defendant and the court has entered such notice into evidence.

E. Notwithstanding any rule of court or provision of law to the contrary, the plaintiff, plaintiff's attorney, or agent in an unlawful detainer case may submit into evidence a photocopy of a properly executed paper document or paper printout of an electronically stored document including a copy of the original lease or other documents, provided that the plaintiff provides an affidavit or sworn testimony that the copy of such document is a true and accurate copy of the original lease. If the defendant fails to appear in court, the plaintiff, plaintiff's attorney, or agent may introduce into evidence by an affidavit or sworn testimony a statement of the amount of outstanding rent, late charges, attorney fees, costs, and any other charges or damages as contracted for in the rental agreement that are due and owing as of the date of the hearing. The plaintiff, plaintiff's attorney, or agent shall advise the court of any payments made by or on behalf of the defendant that result in a reduction of the amount due and owing to the plaintiff.

F. 1. The plaintiff may include on the summons for unlawful detainer a request for all amounts due and owing as of the date of the hearing and the approximate amount the defendant may owe as of the date of the hearing if the defendant makes no payments prior to the date of such hearing. Notwithstanding any rule of court or provision of law to the contrary, if such request is made on the summons for unlawful detainer, the court shall permit amendment of the amount requested on the summons for unlawful detainer filed in court in accordance with the evidence and the amounts contracted for in the rental agreement. If the plaintiff makes such a request and additional amounts become due and owing prior to the final disposition of a pending unlawful detainer, a plaintiff may amend the amount in an unlawful detainer to request all amounts due and owing as of the date of final disposition.

If, however, the plaintiff has not included on the summons for unlawful detainer a request for all amounts due and owing as of the date of the hearing, the court may permit the plaintiff to amend the amount requested on the summons for unlawful detainer upon finding that (i) the evidence accurately sets forth the amount due and owing to the plaintiff, (ii) the plaintiff provided the defendant with a separate written notice of additional amounts due and owing as of the date of the hearing and of the plaintiff's intent to amend the amount requested on the summons, and (iii) the defendant had the opportunity at court to object to any additional amounts claimed.

2. If the plaintiff requests on the summons for unlawful detainer all amounts due and owing as of the date of the hearing or if the court grants an amendment of the amounts requested on the summons for unlawful detainer, the plaintiff shall not subsequently file additional unlawful detainers or warrants in debt against the defendant for such additional amounts if those amounts could have been included in the amended amount. Any such subsequent unlawful detainers or warrants in debt filed for amounts that were included in the amended amount shall be dismissed. Nothing in this section shall preclude the plaintiff from filing an unlawful detainer for a non-rent lease violation during the pendency of an unlawful detainer for nonpayment of rent or from filing a warrant in debt for amounts unrelated to the unlawful detainer against the defendant.

3. In determining the amount due the plaintiff as of the date of the hearing, if the rental agreement or lease provides that rent is due and payable on the first of the month in advance for the entire month, at the request of the plaintiff or the plaintiff's attorney or agent, the amount due as of the date of the hearing shall include the rent due for the entire month in which the hearing is held, and rent shall not be prorated as of the actual court date. Otherwise, the rent shall be prorated as of the date of the hearing. However, nothing herein shall be construed to permit a landlord to collect rent in excess of the amount stated in such rental agreement or lease. If a money judgment has been granted for the amount due for the month of the hearing pursuant to this section and the landlord re-rents such dwelling unit and receives rent from a new tenant prior to the end of such month, the landlord is required to reflect the applicable portion of the judgment as satisfied pursuant to § 16.1-94.01.

4. If, on the date of a foreclosure sale of a single-family residential dwelling unit, the former owner remains in possession of such dwelling unit, such former owner becomes a tenant at sufferance. Such tenancy may be terminated by a written termination notice from the successor owner given to such tenant at least three days prior to the effective date of termination. Upon the expiration of the three-day period, the successor owner may file an unlawful detainer under this section. Such tenant shall be responsible for payment of fair market rental from the date of such foreclosure until the date the tenant vacates the dwelling unit, as well as damages, and for payment of reasonable attorney fees and court costs.

Code 1950, § 8-791; 1954, c. 333; 1966, c. 436; 1968, c. 639; 1972, c. 397; 1975, c. 235; 1977, c. 617; 1978, c. 344; 1980, c. 502; 2000, c. 1055; 2008, cc. 551, 691; 2012, c. 788; 2013, c. 63; 2014, c. 168; 2015, c. 547; 2017, c. 481; 2018, c. 255; 2019, cc. 130, 132; 2022, c. 467; 2024, cc. 268, 331.

**SUMMONS FOR UNLAWFUL DETAINER (CIVIL CLAIM FOR EVICTION)**

Commonwealth of Virginia

VA. CODE § 8.01-126

General District Court

CITY OR COUNTY

STREET ADDRESS OF COURT

TO ANY AUTHORIZED OFFICER: Summon the Defendant(s) as provided below:  
TO THE DEFENDANT(S): You need to come to this Court on

to answer this civil claim for eviction.  
RETURN DATE AND TIME

DATE ISSUED

[ ] CLERK [ ] DEPUTY CLERK [ ] MAGISTRATE

**CLAIM AND AFFIDAVIT:** Defendant(s) unlawfully detains and withholds from Plaintiff(s):

ADDRESS/DESCRIPTION OF DETAINED PROPERTY

and Defendant should be removed from possession of the property (evicted) because of:

[ ] unpaid rent [ ] .....  
Plaintiff states that rent is due and not paid and damages have been incurred as follows:

\$ ..... rent due for ..... and \$ ..... late fee  
RENT PERIOD

and \$ ..... damages for ..... with interest .....  
RATE(S) AND BEGINNING DATE(S)

and \$ ..... costs and \$ ..... civil recovery and \$ ..... attorney's fees.

[ ] Plaintiff asks for judgment for all amounts due as of the hearing date. [ ] If Defendant makes no payments before that date, the approximate amount Defendant may owe on that date will be .....  
[ ] This summons is filed to end a tenancy not governed by the Virginia Residential Landlord and Tenant Act, § 55.1-1200 *et seq.* of the Code of Virginia.

All required notices have been given. I state under penalty of perjury that the foregoing is true and correct.

[ ] PLAINTIFF(S) [ ] PLAINTIFF'S ATTORNEY [ ] PLAINTIFF'S AGENT

DATE

**CASE DISPOSITION**

[ ] JUDGMENT that Plaintiff(s) recover against { [ ] ..... [ ] named DEFENDANT(S).

[ ] possession of the premises described above pursuant to § 8.01-128.

[ ] A hearing will be held on ..... to decide final rent and damages.  
DATE AND TIME

[ ] Immediate writ of eviction [ ] ordered pursuant to Va. Code § 8.01-129 upon request of Plaintiff.  
[ ] granted pursuant to Va. Code § 55.1-1250(C).

DEFENDANT(S) PRESENT? [ ] YES [ ] NO

DATE

JUDGE

[ ] Rent, in the sum of \$ ..... and \$ ..... late fee

and \$ ..... damages with interest ..... and  
RATE(S) AND BEGINNING DATE(S)

\$ ..... costs and \$ ..... civil recovery and \$ ..... attorney's fees

[ ] and \$ ..... costs for Servicemembers Civil Relief Act counsel fees.

HOMESTEAD EXEMPTION WAIVED? [ ] YES [ ] NO [ ] CANNOT BE DEMANDED

[ ] JUDGMENT FOR [ ] NAMED DEFENDANT(S) [ ] .....

\$ ..... costs and \$ ..... attorney fees  
awarded to Defendant(s) .....

[ ] NON-SUIT\* [ ] DISMISSED\* DEFENDANT(S) PRESENT? [ ] YES [ ] NO

DATE

JUDGE

**CASE NO.**

PLAINTIFF(S) NAME(S) (LAST, FIRST, MIDDLE)

ADDRESS

TELEPHONE NUMBER

v.

DEFENDANT(S) NAME(S) (LAST, FIRST, MIDDLE)

ADDRESS

TELEPHONE NUMBER

**TO DEFENDANT:** You are not required to come to court; however, if you do not come to court, judgment may be entered against you and you may be evicted. See information on the reverse about your right to prevent this unlawful detainer action by paying the money owed.

[ ] If you disagree with this case, you must come to court on the **RETURN DATE** to try this case.

[ ] If you disagree with this case, you must come to court on the **RETURN DATE** for the judge to set another date for the trial.

If you do not come to court and a judgment is entered against you, a writ of eviction may be issued immediately to give possession of the property to the Plaintiff.

Bill of Particulars ordered .....  
DUE DATE

Grounds of Defense ordered .....  
DUE DATE

ATTORNEY FOR PLAINTIFF(S)

TELEPHONE NUMBER

ATTORNEY FOR DEFENDANT(S)

TELEPHONE NUMBER

**DISABILITY ACCOMMODATIONS** for loss of vision, hearing, mobility, etc. Contact the court ahead of time.

**HEARING DATE AND TIME**

[ ] Redemption tender presented; continued to:

HEARING DATE AND TIME

[ ] Defendant must pay:

\$ .....  
RENT OWED  
into the court to be held in escrow by

DATE  
and any rents coming due prior to the next hearing date must also be paid into the court.

JUDGE'S INITIALS

**MONEY JUDGMENT PAID OR SATISFIED PURSUANT TO ATTACHED NOTICE OF SATISFACTION**

DATE  
CLERK

\*This case shall be expunged 30 days after dismissal or six months after nonsuit, if an order of possession was not entered, pursuant to Va. Code § 8.01-130.01.

**To the Defendant(s):**

(1) The preferred place for an Unlawful Detainer (Civil Claim for Eviction) to be filed is the city or county where the property is located. If the plaintiff has filed this case in a city or county that is not where the property you rent is located, you may object to the location. The court may move the case to the preferred place, if the court agrees with you. The court may order the Plaintiff to pay you costs and attorney's fees if the court agrees with your objection. To object to where the case was filed, you must:

- Tell the court in writing that you do not agree with the place where the case was filed. Include in what you write (a) this court's name, (b) the case number and the "return date" as shown on the other side of this form in the left column under the words "TO THE DEFENDANT(S)," (c) Plaintiff(s)' name(s) and your name(s), (d) "I move to object to venue of this case in this court because" and give the reasons for your objection and also say in which city or county the case should be tried, and (e) your signature and mailing address.
- File the written request in the clerk's office before the trial date (use the mail at your own risk) or give it to the judge when your case is called on the return date. Also send or deliver a copy to the plaintiff.
- If you mail your written request to the court, the clerk will tell you the judge's decision.

(2) If this case involves a lease for a property that is lived in and the only reason on this Summons for the entry of an order of possession is that you did not pay the rent, then you, or someone on your behalf, may pay the landlord or the landlord's attorney or pay into court all (i) rent due and not paid as of the court date as included in the rental agreement, (ii) other charges and fees as included in the rental agreement, (iii) late charges included in the rental agreement and as provided by law, (iv) reasonable attorney fees as included in the rental agreement or as provided by law, and (v) costs of the proceeding as provided by law, and if you pay everything that you owe, this unlawful detainer action will be dismissed pursuant to Virginia Code § 55.1-1250.

(3) If you tell your landlord that you want another person to receive a copy of this summons, the landlord must send a copy to that person. However, that person will not, by getting a copy of the summons, become a party to the case or be able to challenge the landlord's actions for you. Virginia Code § 55.1-1209.

(4) Pursuant to Virginia Code § 18.2-465.1, it is against the law for your employer to fire you from your job or take any negative personnel action against you if you were absent from your job because you had to come to court for a hearing on this Summons, as long as you gave reasonable notice of the hearing to your employer.

I certify that I mailed a copy of this document to the defendants named therein at the address show therein on

.....  
 DATE [ ] PLAINTIFF [ ] PLAINTIFF'S ATTORNEY [ ] PLAINTIFF'S AGENT

Fi. Fa. issued on .....

Interrogatories issued on .....

Garnishment issued on .....

**RETURNS: Each defendant was served according to law, as indicated below, unless not found.**

Name .....	
Address .....	
<input type="checkbox"/> Personal Service	Tel. No. ....
<input type="checkbox"/> Being unable to make personal service, a copy was delivered in the following manner:	
<input type="checkbox"/> Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode of party named above after giving information of its purport. List name, age of recipient, and relation of recipient to party named above.	
.....	
<input type="checkbox"/> Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above. (Other authorized recipient not found.)	
<input type="checkbox"/> Served on the Secretary of the Commonwealth	
<input type="checkbox"/> Not found	..... SERVING OFFICER
..... for .....	
DATE	
Name .....	
Address .....	
.....	
<input type="checkbox"/> Personal Service	Tel. No. ....
<input type="checkbox"/> Being unable to make personal service, a copy was delivered in the following manner:	
<input type="checkbox"/> Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode of party named above after giving information of its purport. List name, age of recipient, and relation of recipient to party named above.	
.....	
<input type="checkbox"/> Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above. (Other authorized recipient not found.)	
<input type="checkbox"/> Served on the Secretary of the Commonwealth	
<input type="checkbox"/> Not found	..... SERVING OFFICER
..... for .....	
DATE	

Code of Virginia  
Title 8.01. Civil Remedies and Procedure  
Chapter 3. Actions

**§ 8.01-130.01. Unlawful detainer; expungement.**

A. If, in an action for unlawful detainer filed in general district court, (i) such action is dismissed and the 30-day period following such dismissal has passed or (ii) a voluntary nonsuit of such action is taken and the six-month period following such nonsuit has passed, provided that no order of possession has been entered in the case, the court shall, without further petition or hearing, enter an order requiring the expungement of the court records. The court shall not automatically expunge such records in an unlawful detainer action where a judgement is entered in favor of the defendant; however, such a defendant may file a petition, and the court shall, without a hearing, expunge such records in accordance with the provisions of subsection B.

B. For unlawful detainer actions commenced prior to July 1, 2024, for which the court still has records, if (i) such action was dismissed and the 30-day period following such dismissal has passed or (ii) a voluntary nonsuit of such action was taken and the six-month period following such nonsuit has passed, provided that no order of possession has been entered in the case, the defendant may file a petition on a form created by the Supreme Court in the general district court in which the underlying unlawful detainer action was filed requesting expungement of the court records relating to the unlawful detainer. The petition shall provide the date that the order of dismissal, entry of judgment in favor of the defendant, or nonsuit was entered, the address of the property that was the subject of the unlawful detainer action, and the name of the plaintiff in the unlawful detainer action.

Upon finding that the unlawful detainer action was dismissed and the 30-day period following such dismissal has passed or a nonsuit was taken and the six-month period following such nonsuit has passed, and no order of possession was entered, the court shall, without a hearing, enter an order requiring the expungement of the court records.

2020, c. [1013](#); 2024, c. [372](#).

**PETITION FOR EXPUNGEMENT  
OF UNLAWFUL DETAINER**

Commonwealth of Virginia Va. Code § 8.01-130.01

Underlying Case No.....

..... [ ] General District Court [ ] Circuit Court  
CITY OR COUNTY

.....  
NAME OF PETITIONER

I am requesting the court to expunge court records relating to a SUMMONS FOR UNLAWFUL DETAINER for which no order of possession has been entered.

[ ] The SUMMONS was commenced prior to July 1, 2024 and was  
[ ] dismissed on .....  
DATE  
and at least 30 days have passed since that dismissal.

OR

[ ] voluntarily nonsuited on .....  
DATE  
and at least 6 months have passed since that nonsuit.

OR

[ ] I was a defendant in the proceeding for the SUMMONS and judgment was entered in my favor as a defendant.

The SUMMONS FOR UNLAWFUL DETAINER for which I was a defendant is described as follows:

..... v. ....  
PLAINTIFF(S) DEFENDANT(S)

Address of the property for which the SUMMONS FOR UNLAWFUL DETAINER was filed:

.....  
ADDRESS OF PROPERTY  
.....

I am requesting that any order entered in response to this petition be mailed to me at the following address:

.....  
ADDRESS

I hereby state that the above information is correct to the best of my knowledge.

.....  
DATE

.....  
SIGNATURE OF [ ] PETITIONER [ ] ATTORNEY FOR PETITIONER

**EXPUNGEMENT ORDER FOR UNLAWFUL DETAINER**

Commonwealth of Virginia Va. Code § 8.01-130.01

..... [ ] General District Court [ ] Circuit Court  
CITY OR COUNTY

.....  
NAME OF PETITIONER

The court having reviewed the petition and the court records of the underlying unlawful detainer action identified in the petition, the request for expungement of the court records relating to the unlawful detainer is

[ ] DENIED as to this petitioner

[ ] as the SUMMONS FOR UNLAWFUL DETAINER was not dismissed or nonsuited, or judgment was not granted in favor of this petitioner.

[ ] as an order of possession was entered in the case.

[ ] GRANTED as to this petitioner. The court finds that the unlawful detainer action was dismissed (and at least 30 days have passed since dismissal), nonsuited (and at least 6 months have passed since the nonsuit), or judgment was entered in favor of this petitioner who was a defendant in the unlawful detainer action. The court also finds that no order of possession has been entered in the case. The court orders that the court records relating to the SUMMONS FOR UNLAWFUL DETAINER identified below be expunged pursuant to Virginia Code § 8.01-130.01. The clerk shall mail a copy of this order to the petitioner at the address indicated on the petition.

..... v. ....  
PLAINTIFF(S) DEFENDANT(S)

Case No. ....

Address of the property for which the SUMMONS FOR UNLAWFUL DETAINER was filed:

.....  
ADDRESS OF PROPERTY  
.....

.....  
DATE

.....  
JUDGE

**NOTICE TO THE PETITIONER:**

**You should keep a copy of this order for your records.**

## Legislative Update – Notice of Increase for UD's

### *Virginia Code §8.01-126*

- House Bill 86 clarified and added specificity to the notice that must be given on the DC-421 if a landlord intends to amend upward for judgment on all amounts due as of the date of the hearing.

## Legislative Update – Expungement of UD's

- House Bill 73 provided that in UD actions filed in the GDC, of the thirty-day period following the dismissal of such action or the six-month period following a nonsuit has passed, the court shall, without further petition or hearing, enter an order requiring the expungement of the UD action, provided that no order of possession has been entered.
- The DC-421 Form (Summons for Unlawful Detainer) was revised in 2024 to order the expungement of the unlawful detainer action in accordance with the requirement of the legislation.

## § 8.01-470. Writs on judgments for specific property

On a judgment for the recovery of specific property, a writ of possession for personal property or a writ of eviction for real property may issue for the specific property pursuant to an order of possession entered by a court of competent jurisdiction, which shall conform to the judgment as to the description of the property and the estate, title, and interest recovered, and there may also be issued a writ of fieri facias for the damages or profits and costs. In cases of unlawful entry and detainer and of ejectment, the officer to whom a writ of eviction has been delivered to be executed shall, at least 72 hours before execution, serve notice of intent to execute, including the date and time of execution, as well as the rights afforded to tenants in §§ 55.1-1255 and 55.1-1416, together with a copy of the writ attached, on the defendant in person or, if the party to be served is not found at the specific property for which a writ of eviction has been issued, then service shall be effected by posting a copy of such process at the front door or at such other door as appears to be the main entrance of such property. The execution of the writ of eviction by the sheriff should occur within 15 calendar days from the date the writ of eviction is received by the sheriff, or as soon as practicable thereafter, but in no event later than 30 days from the date the writ of eviction is issued. An order of possession shall remain valid for 180 days from the date granted by the court. If a plaintiff cancels a writ of eviction, such plaintiff may request other writs of eviction during such 180-day period. In cases of unlawful entry and detainer and of ejectment, whenever the officer to whom a writ of eviction has been delivered to be executed finds the premises locked, he may, after declaring at the door the cause of his coming and demanding to have the door opened, employ reasonable and necessary force to break and enter the door and put the plaintiff in possession. The execution of the writ of eviction shall be effective against the tenants named in the writ of eviction and their authorized occupants, guests or invitees, and any trespassers in the premises. And an officer having a writ of possession for specific personal property, if he finds locked or fastened the building or place wherein he has reasonable cause to believe the property specified in the writ is located, may in the daytime, after notice to the defendant, his agent or bailee, break and enter such building or place for the purpose of executing such writ.

Code 1950, § 8-402; 1977, c. 617; 1991, c. 503; 2000, c. 640; 2001, c. 222; 2003, c. 259; 2007, c. 128; 2019, cc. 180, 700.

The chapters of the acts of assembly referenced in the historical citation at the end of this section(s) may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

Code of Virginia  
Title 8.01. Civil Remedies and Procedure  
Chapter 18. Executions and Other Means of Recovery  
Article 1. Issue and Form; Motion to Quash

## § 8.01-471. Time period for issuing writs of eviction in unlawful entry and detainer; when returnable

Writs of eviction, in case of unlawful entry and detainer, shall be issued within 180 days from the date of judgment for possession and shall be made returnable within 30 days from the date of issuing the writ, and any executed writ shall be returned to the issuing clerk by the sheriff executing such writ. Notwithstanding any other provision of law, a writ of eviction not executed within 30 days from the date of issuance shall be vacated as a matter of law without further order of the court that entered the order of possession, and no further action shall be taken by the clerk. No writ shall issue, however, in cases under the Virginia Residential Landlord and Tenant Act (§ 55.1-1200 et seq.) if, following the entry of judgment for possession, the landlord has entered into a new written rental agreement with the tenant, as described in § 55.1-1250. A writ of eviction may be requested by the plaintiff or the plaintiff's attorney or agent.

The Office of the Executive Secretary of the Supreme Court of Virginia shall annually report on or before September 1 to the Chairmen of the House and Senate Committees for Courts of Justice, the Senate Committee on General Laws and Technology, the House Committee on General Laws, and the Virginia Housing Commission on the number of executed writs returned pursuant to this section. The first report shall be made by September 1, 2024, and shall include writs executed between July 1, 2023, and June 30, 2024.

Code 1950, § 8-403; 1977, c. 617; 1999, c. 683; 2003, c. 427; 2006, c. 667; 2013, c. 63; 2019, cc. 180, 700; 2023, cc. 442, 443.

The chapters of the acts of assembly referenced in the historical citation at the end of this section(s) may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

Code of Virginia  
Title 55.1. Property and Conveyances  
Subtitle III. Rental Conveyances  
Chapter 12. Virginia Residential Landlord and Tenant Act  
Article 5. Landlord Remedies

## § 55.1-1255. Authority of sheriffs to store and sell personal property removed from residential premises; recovery of possession by owner; disposition or sale

Notwithstanding the provisions of § 8.01-156, when personal property is removed from a dwelling unit, the premises, or any storage area provided by the landlord pursuant to an action of unlawful detainer or ejection, or pursuant to any other action in which personal property is removed from the dwelling unit in order to restore the dwelling unit to the person entitled to such dwelling unit, the sheriff shall oversee the removal of such personal property to be placed into the public way. The tenant shall have the right to remove his personal property from the public way during the 24-hour period after eviction. Upon the expiration of the 24-hour period after eviction, the landlord shall remove, or dispose of, any such personal property remaining in the public way.

At the landlord's request, any personal property removed pursuant to this section shall be placed into a storage area designated by the landlord, which may be the dwelling unit. The tenant shall have the right to remove his personal property from the landlord's designated storage area at reasonable times during the 24 hours after eviction or at such other reasonable times until the landlord has disposed of the property as provided in this section. During that 24-hour period and until the landlord disposes of the remaining personal property of the tenant, the landlord and the sheriff shall not have any liability for the risk of loss for such personal property. If the landlord fails to allow reasonable access to the tenant to remove his personal property as provided in this section, the tenant shall have a right to injunctive or other relief as otherwise provided by law.

Any property remaining in the landlord's storage area upon the expiration of the 24-hour period after eviction may be disposed of by the landlord as the landlord sees fit or appropriate. If the landlord receives any funds from any sale of such remaining property, the landlord shall pay such funds to the account of the tenant and apply the funds to any amounts due the landlord by the tenant, including the reasonable costs incurred by the landlord in the eviction process described in this section or the reasonable costs incurred by the landlord in selling or storing such property. If any funds are remaining after application, the remaining funds shall be treated as a security deposit under the provisions of § 55.1-1226.

The notice posted by the sheriff with the writ of eviction setting the date and time of the eviction, pursuant to § 8.01-470, shall provide notice to the tenant of the rights afforded to tenants in this section and shall include a copy of this statute attached to, or made a part of, the notice.

2001, c. 222, § 55-248.38:2; 2006, c. 129; 2013, c. 563; 2019, cc. 180, 700, 712.

The chapters of the acts of assembly referenced in the historical citation at the end of this section(s) may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

**REQUEST FOR WRIT OF EVICTION IN UNLAWFUL DETAINER PROCEEDINGS**

Commonwealth of Virginia Va. Code § 8.01-471

..... [ ] General District Court [ ] Circuit Court  
CITY OR COUNTY

**TO THE COURT:**

I/we, the plaintiff(s) in this proceeding, request that this court issue a writ of eviction against the defendants with regard to the following premises:

.....  
This request is made upon a judgment for possession dated: .....

I/we present that, following the entry of the judgment for possession, the landlord has not entered into a new written rental agreement with the tenant.

[ ] This writ of eviction is requested pursuant to the Virginia Residential Landlord and Tenant Act. The landlord has provided the required notice set forth in Virginia Code § 55.1-1250.

.....  
DATE \_\_\_\_\_ [ ] PLAINTIFF [ ] PLAINTIFF'S ATTORNEY [ ] PLAINTIFF'S AGENT  
.....  
PRINTED NAME OF [ ] AGENT [ ] ATTORNEY

**WRIT OF EVICTION**

Va. Code §§ 8.01-470, 8.01-472

**TO ANY AUTHORIZED OFFICER:**

You are hereby commanded in the name of the Commonwealth to cause the Plaintiff(s) to have possession of the following premises from the defendant(s): .....

You are further commanded to make a return before me within 30 days of this date as to the day and manner of executing this writ.

.....  
DATE \_\_\_\_\_ [ ] CLERK [ ] JUDGE

**Notice to Defendant (Tenant):**

If the landlord has checked the box above that this writ of eviction is requested pursuant to the Virginia Residential Landlord and Tenant Act, and the only reason for the entry of an order of possession was nonpayment of rent, then you, or someone on your behalf, may pay the landlord, the landlord's attorney or the court all amounts claimed on the Summons for Unlawful Detainer, including current rent, damages, late fees, costs of court, any civil recovery, attorney fees and sheriff fees, including the sheriff fees for service of the writ of eviction if payment is made after issuance of the writ, no less than 48 hours before the date and time scheduled by the sheriff for the eviction, in order to avoid the eviction. You may pay by cashier's check, certified check or money order. If you appeal the unlawful detainer case and pay any required bond, writ tax and costs after the sheriff has served the notice of intent to execute the writ of eviction, you must notify the sheriff of your appeal.

CASE NO.  
  
.....  
PLAINTIFF(S) (LAST NAME, FIRST NAME, MIDDLE INITIAL)  
  
.....  
  
.....  
**V.**  
  
.....  
DEFENDANT(S) (LAST NAME, FIRST NAME, MIDDLE INITIAL)  
  
.....  
  
.....

CAME TO HAND  
  
.....  
DATE AND TIME  
  
\_\_\_\_\_, SHERIFF

EXECUTED by taking into possession the within-named premises and delivering possession of it to the plaintiff(s).

.....  
DATE

I understand that I am required, pursuant to Va. Code § 8.01-471, to return this executed writ of eviction to the clerk's office of the court that issued this writ.

\_\_\_\_\_, SHERIFF

by \_\_\_\_\_  
DEPUTY SHERIFF