

Using This Revisable PDF Form

1. Copies
 - a. Original – to Secretary of the Commonwealth, forwarded to party to be served.
 - b. First copy – to Secretary of the Commonwealth, returned to clerk of court.
2. Prepared by party seeking service of process through the Secretary of the Commonwealth.
3. Attachments – one of the following:
 - a. Form DC-402, WARRANT IN DEBT – SMALL CLAIMS DIVISION
 - b. Form DC-404, WARRANT IN DETINUE – SMALL CLAIMS DIVISION
 - c. Form DC-412, WARRANT IN DEBT (CIVIL CLAIM FOR MONEY)
 - d. Form DC-414, WARRANT IN DETINUE (CIVIL CLAIM FOR SPECIFIC PERSONAL PROPERTY)
 - e. Form DC-416, DETINUE SEIZURE ORDER (CIVIL CLAIM FOR EVICTION)
 - f. Form DC-421, SUMMONS FOR UNLAWFUL DETAINER
 - g. Form DC-424, WARRANT OF DISTRESS
 - h. Form DC-420, MOTION FOR SHOW CAUSE SUMMONS OR CAPIAS (General District Court)
 - i. Form DC-428, WARRANT IN DEBT – INTERPLEADER
 - j. Form DC-446, ATTACHMENT SUMMONS
 - k. Form DC-451, GARNISHMENT SUMMONS
 - l. Motion for Judgment
4. Preparation details – none.

AFFIDAVIT FOR SERVICE OF PROCESS ON THE SECRETARY OF THE COMMONWEALTH

Commonwealth of Virginia Va. Code §§ 8.01-301, -329; 55-218.1; 57-51

Case No. 1

2 District Court

3 v. 4

TO THE PERSON PREPARING THIS AFFIDAVIT: You must comply with the appropriate requirements listed on the back of this form.

5 Attachments: Warrant Motion for Judgment

I, the undersigned Affiant, state under oath that:

6 the above-named defendant

whose last know address is: same as above

7

8 1. is a non-resident of the Commonwealth of Virginia or a foreign corporation and Virginia Code § 8.01-328.1(A) applies (see NON-RESIDENCE GROUNDS REQUIREMENT on reverse).

9 2. is a person whom the party seeking service, after exercising due diligence, has been unable to locate (see DUE DILIGENCE REQUIREMENT on reverse) and that

10

is the return date on the attached warrant, motion for judgment or notice (see TIMELY SERVICE REQUIREMENT on reverse).

11
DATE

12
 PARTY PARTY'S ATTORNEY PARTY'S AGENT

State of **13** City County of **14**

Acknowledged, subscribed and sworn to before me this **15** day of **15**, 20

16
NOTARY REGISTRATION NUMBER

17
 CLERK MAGISTRATE NOTARY PUBLIC (My commission expires

18 Verification by the clerk of the court of the date of filing of the certificate of compliance requested. A self-addressed stamped envelope was provided to the clerk at the time of filing of this Affidavit.

NOTICE TO THE RECIPIENT from the Office of the Executive Secretary of the Commonwealth of Virginia:

You are being served with this notice and attached pleadings under Section 8.01-329 of the Code of Virginia which designates the Secretary of the Commonwealth as statutory agent for Service of Process. The Secretary of the Commonwealth's ONLY responsibility is to mail, by certified mail, return receipt requested, the enclosed papers to you. If you have any questions concerning these documents, you may wish to seek advice from a lawyer.

SERVICE OF PROCESS IS EFFECTIVE ON THE DATE WHEN SERVICE IS MADE ON THE SECRETARY OF THE COMMONWEALTH.

CERTIFICATE OF COMPLIANCE

I, the undersigned, Clerk in the Office of the Secretary of the Commonwealth, hereby certify the following:

1. On **19**, legal service in the above-styled case was made upon the Secretary of the Commonwealth, as statutory agent for persons to be served in accordance with Section 8.01-329 of the Code of Virginia, as amended.

2. On **20**, papers described in the Affidavit and a copy of this Affidavit were forwarded by certified mail, return receipt requested, to the party designated to be served with process in the Affidavit.

21

SERVICE OF PROCESS CLERK, DESIGNATED BY THE AUTHORITY OF THE SECRETARY OF THE COMMONWEALTH

Data Elements, *front*

1. Court case number.
2. Court name.
3. Name and address of plaintiff.
4. Name and address of defendant.
5. Description of attached pleading being served through the Secretary of the Commonwealth. Check the appropriate box and, if applicable, insert description of pleading.
6. Check the appropriate box and, if applicable, insert name of person to be served.
7. Address of person to be served. Check the appropriate box and, if applicable, insert address.
8. If service through the Secretary of the Commonwealth is required because the person is a non-resident of the Commonwealth, check this box and insert the appropriate number from the list on the back of the form.
9. If service through the Secretary of the Commonwealth is required because of inability to locate the person to be served, check this box and add return date of the attached pleading.
10. Insert the return date in the case as indicated on the attachment.
11. Date of signing.
12. Signature of requesting party. Check the appropriate box below the signature line.
13. State in which acknowledgement is taken.
14. Locality in which acknowledgement is taken. Check the applicable box.
15. Date of acknowledgement.
16. If acknowledgement by a notary public, insert notary's registration number.
17. Signature of person taking acknowledgement. Check the appropriate title box; if acknowledged by a notary public, include expiration date of commission.
18. If he or she would like verification by the clerk of the court of the filing of the certificate of compliance, the person filing this affidavit should check this box and provide a self-addressed stamped envelope to the clerk.
19. Date affidavit and pleading received by Secretary of Commonwealth.
20. Date affidavit, pleading, and a copy of this Affidavit mailed by certified mail, return receipt requested, by Secretary of the Commonwealth.
21. Signature of person executing Certificate of Compliance in Office of the Secretary of the Commonwealth.

TIMELY SERVICE REQUIREMENT:

Service of process in actions brought on a warrant or motion for judgment pursuant to Virginia Code § 16.1-79 or § 16.1-81 shall be void and of no effect when such service of process is received by the Secretary within ten days of any return day set by the warrant. In such cases, the Secretary shall return the process or notice, the copy of the affidavit, and the prescribed fee to the plaintiff or his agent. A copy of the notice of the rejection shall be sent to the clerk of the court in which the action was filed.

NON-RESIDENCE GROUNDS REQUIREMENT:

If box number 1 is checked, insert the appropriate subsection number:

A court may exercise personal jurisdiction over a person, who acts directly or by an agent, as to a cause of action arising from the person's:

1. Transacting any business in this Commonwealth;
2. Contracting to supply services or things in this Commonwealth;
3. Causing tortious injury by an act or omission in this Commonwealth;
4. Causing tortious injury in this Commonwealth by an act or omission outside this Commonwealth if he regularly does or solicits business, or engages in any other persistent course of conduct, or derives substantial revenue from goods used or consumed or services rendered in this Commonwealth;
5. Causing injury in this Commonwealth to any person by breach of warranty expressly or impliedly made in the sale of goods outside this Commonwealth when he might reasonably have expected such person to use, consume, or be affected by the goods in this Commonwealth, provided that he also regularly does or solicits business, or engages in any other persistent course of conduct, or derives substantial revenue from goods used or consumed or services rendered in this Commonwealth;
6. Having an interest in, using, or possessing real property in this Commonwealth;
7. Contracting to insure any person, property, or risk located within the Commonwealth at the time of contracting; or
8. (ii). Having been ordered to pay spousal support or child support pursuant to an order entered by any court of competent jurisdiction in this Commonwealth having in personam jurisdiction over such person.
9. Having incurred a liability for taxes, fines, penalties, interest, or other charges to any political subdivision of the Commonwealth.

DUE DILIGENCE REQUIREMENT:

If box number 2 is checked, the following provision applies:

When the person to be served is a resident, the signature of an attorney, party or agent of the person seeking service on such affidavit shall constitute a certificate by him that process has been delivered to the sheriff or to a disinterested person as permitted by § 8.01-293 for execution and, if the sheriff or disinterested person was unable to execute such service, that the person seeking service has made a bona fide attempt to determine the actual place of abode or location of the person to be served.