

Using This Revisable PDF Form

1. Copies – (Contact the court to determine if you should bring copies to the Clerk’s Office or if copies will be made upon filing.)
 - a. Original – to court.
 - b. First copy – to judgment debtor.
 - c. Second copy – to garnishee.
 - d. Third copy – to judgment debtor (mailed by sheriff after garnishee is served).
 - e. Fourth copy – to judgment creditor.

Summons, except names, addresses, telephone numbers, amounts subject and basis for garnishment, and writ of fieri facias portions prepared by clerk; case disposition portion prepared by judge; service of process, except names and addresses, prepared by serving officer.

2. Attachments
 - a. Form DC-450, SUGGESTION FOR SUMMONS IN GARNISHMENT (original only) – attach after service return of form DC-450. Form DC-451 should remain in the pending court date file until the original form DC-450 service return is filed with the clerk.
 - b. Form DC-454, REQUEST FOR HEARING – GARNISHMENT EXEMPTION CLAIM (all copies)
 - c. Form DC-455, GARNISHEE INFORMATION SHEET (all copies)
 - d. Form DC-456, GARNISHEE’S ANSWER (garnishee’s copy only)
3. Preparation details
 - a. Summons may be completely prepared by clerk or partially prepared by judgment creditor. Writ of fieri facias portion prepared by clerk; disposition portion prepared by judge; service of process portion, except names, address and telephone numbers, completed by serving officer.
 - b. Form DC-454, REQUEST FOR HEARING – GARNISHMENT EXEMPTION CLAIM must be attached to all copies of the summons without exception.
 - c. Only one garnishee and one judgment debtor may be named in a Garnishment Summons.

GARNISHMENT SUMMONS

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

1 General District Court
COURT NAME

2 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.

3 DATE OF ISSUANCE OF SUMMONS 4 CLERK

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

WRIT OF FIERI FACIAS TO ANY AUTHORIZED OFFICER: You are hereby 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 [6] no [] cannot be demanded

7 DATE OF ISSUANCE OF WRIT 8 CLERK

CASE DISPOSITION

I ORDER that 9 [] the garnishee pay to the judgment creditor through the court \$ net of any credits. [] the case be DISMISSED.

10 [] 11 DATE ENTERED 12 JUDGE

Form with fields 13-20: CASE NO. 13, JUDGMENT CREDITOR'S NAME 14, STREET ADDRESS, CITY, STATE, ZIP, TELEPHONE NUMBER, JUDGMENT CREDITOR'S ATTORNEY'S NAME 15, ADDRESS, TELEPHONE NUMBER, JUDGMENT DEBTOR'S NAME (SERVE) 16, STREET ADDRESS, CITY, STATE, ZIP, SOCIAL SECURITY NUMBER, TELEPHONE NUMBER, GARNISHEE'S NAME 17, STREET ADDRESS, CITY, STATE, ZIP, DATE OF JUDGMENT 18, TELEPHONE NUMBER, STATEMENT, Judgment Principal, Credits, Interest 19, Judgment Costs, Attorney's Fees, Garnishment Costs, TOTAL BALANCE DUE 20, The garnishee shall rely on this amount.

HEARING DATE & TIME

21

GARNISHMENT SUMMONS

This is a garnishment against (check only one)

22 [] the judgment debtor's wages, salary or other compensation.

23 [] some other debt due or property of the judgment debtor, specifically,

MAXIMUM PORTION OF DISPOSABLE EARNINGS SUBJECT TO GARNISHMENT 24

- [] 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

25 JUDGMENT CREDITOR

[] Judgment debtor present

26 DATE

Data Elements, front

1. Insert court name.
2. Insert court street address and telephone number.

To be completed by clerk of court:

3. Insert date of issuance.
4. Signature of clerk.
5. Insert date of delivery of writ of execution to serving officer. Use date in Data Element No. 7 unless this summons is issued in connection with an earlier Writ of Fieri Facias (in which case, use the date of issuance of such writ).
6. Check the appropriate box.
7. Insert date of issuance.
8. Signature of clerk.

To be completed by judge:

9. Check the appropriate box and, if applicable, insert total amount of garnishment ordered, including costs.
10. Check the appropriate box and, if applicable, complete line after "other."
11. Insert date of entry of order of payment on garnishment summons.
12. Signature of judge.

13. Insert court case number. (If not known, ask clerk of court.)
14. Insert name, address and telephone number of judgment creditor.
15. Insert name, address and telephone number of creditor's attorney.

16. Insert name, address, social security number and telephone number of judgment debtor.

17. Insert name, address and telephone number of garnishee.

18. Insert date of entry of judgment on which this garnishment is based.

19. Insert list of debits and credits on this garnishment (see Data Element Nos. 4 through 10, DC-450). Credits should be entered as "-0.00" or negative number to ensure proper automatic calculation.

20. Insert total amount due judgment creditor after credits in Data Element No. 19 are applied.

To be completed by clerk or judge upon filing:

21. Insert hearing date and time. Additional space is allotted for subsequent hearing dates.

22. Check the box, if applicable, and specify debt due or property, if applicable.

23. Check the box, if applicable, and complete line after "specifically."

24. Check the appropriate basis for judgment (see Data Element No. 11, form DC-450).

For court use only:

25. Upon receipt of payment in court, insert amount, have judgment creditor initial and date receipt.

26. Check this box if judgment debtor was present in court when payment was made.

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.

CAME TO HAND
26
DATE AND TIME
27
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.

28 NO EFFECTS FOUND

29

DATE

30

SHERIFF

31

DEPUTY SHERIFF

FORM DC-451 (REVERSE) 1/07

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. **4**

JUDGMENT DEBTOR **15**

ADDRESS **16**

17 PERSONAL SERVICE

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.

..... **19**

20 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.)

21 Served on the Secretary of the Commonwealth.

22 Not found

..... **23**

SERVING OFFICER

..... **24** for **25**

DATE OF SERVICE

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

GARNISHEE **1**

ADDRESS **2**

PERSONAL SERVICE FEDERAL SERVICE

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

Served on registered agent of the corporation. List name and title:

..... **5**

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. **6**

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

8 Served on the Secretary of the Commonwealth.

9 Served on the Clerk of the State Corporation Commission, pursuant to § 8.01-513.

Copy mailed to judgment debtor after serving the garnishee on date of service unless a different date of mailing is shown.

DATE OF MAILING

11 Not found **12**

SERVING OFFICER

..... **13** for **14**

DATE OF SERVICE

* 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.

Data Elements, reverse

- 1. Name of garnishee. If the garnishee is a corporation, show name of corporation on second line.
- 2. Address and telephone number of garnishee.

To be completed by serving official:

- 3. Check this box if personal service obtained. If garnishee is a federal agency, check federal service box if service obtained according to federal service guidelines.
- 4. Serving officer to check the appropriate box to designate type of service.
- 5. Check and complete if served on a corporate garnishee's registered agent. List the name and title of the registered agent.
- 6. If served by leaving the summons with a family member over age 16, check appropriate box and insert required information.
- 7. Check if served by posting.
- 8. Check if served on Secretary of Commonwealth.
- 9. Check if served on Clerk of the State Corporation Commission.
- 10. Check and (if applicable) complete to show mailing of copy to judgment debtor after garnishee has been served.
- 11. Check this box if unable to serve process.
- 12. Signature of serving officer.
- 13. Date of service.
- 14. Agency/jurisdiction. Name of sheriff if served by deputy sheriff.

- 15. Name of judgment debtor.
- 16. Address of judgment debtor.

To be completed by serving official:

- 17. Check if served personally.
- 18. Check box indicating method of service other than personal service.
- 19. List name, age and relationship to party of person receiving substituted service.
- 20. Check if served by posting.
- 21. Check if served on the Secretary of the Commonwealth.
- 22. Check if not found.
- 23. Signature of serving officer.
- 24. Date of service.
- 25. Jurisdiction/agency. Name of sheriff if served by deputy sheriff.

To be completed by sheriff:

- 26. Date received by sheriff.
- 27. Signature of sheriff.
- 28. Check if applicable.
- 29. Date of return of service.
- 30. Signature of sheriff (print or type if return made by deputy sheriff).
- 31. Signature of deputy sheriff if return made by deputy.