Clear All Data

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) 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. (3) If the garnishee is a financial institution, only the funds in a judgment debtor's account that exceed the total sum of the minimum protected amount, as both terms are defined in § 34-4.4, shall be subject to withholding. You shall not be liable to the judgment creditor for any property not specified in the garnishment summons.

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

FORM DC-451 (FRONT) 07/26

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

..... $0.00 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 subsection A of § 34-29 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.

The determination of what part of a person's earnings can be garnished is the responsibility of the employer, regardless of whether such earnings are paid to the employee by direct deposit.

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

_____ 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.

JUDGMENT DEBTOR .....

ADDRESS

.....

[ ] 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.

.....

.....

[ ] 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

_____ SERVING OFFICER

..... for .....
DATE OF SERVICE

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

GARNISHEE .....

ADDRESS

.....

[ ] PERSONAL SERVICE | [ ] FEDERAL SERVICE*

SERVICE ON AN ENTITY PURSUANT TO § 8.01-513:

[ ] Served on garnishment designee. List name entity type.

.....

.....

[ ] Certificate filed indicating inability to serve garnishment designee and describing alternative method of service.

SERVICE ON AN INDIVIDUAL:

[ ] 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 the Secretary of the Commonwealth

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

..... DATE OF MAILING

[ ] Not found

_____ SERVING OFFICER

..... for .....
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.