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### Using This Revisable PDF Form

This form was developed for use in cases where a plaintiff wants to file a civil claim for a judgment for money in the small claims division of the general district court. A case may be filed in the small claims division only when the amount claimed is \$5,000 or less.

1. Copies
  - a. Original -- to court.
  - b. First copy -- to defendant. If more than one defendant, provide a copy for *each* defendant.
  - c. Second copy -- to plaintiff.
2. All but Case Disposition prepared by plaintiff (claim, parties and court name and address) and clerk (Data Element Nos. 3, 4, 5, 27, 28 and 32). Case disposition prepared by judge.
3. Attachments
  - a. Form DC-413, CERTIFICATE OF MAILING, or its equivalent -- if filed by plaintiff.
  - b. Form DC-325, REQUEST FOR WITNESS SUBPOENA -- if completed before this form is issued.
4. Preparation details
  - a. This form merges the application (claim) and civil warrant onto one form so that all but a few data elements needed for issuing the civil warrant are prepared by the plaintiff.
  - b. The data elements for service of process on the reverse of the WARRANT IN DEBT are to be completed for each defendant who is served.
  - c. In lieu of a separate certificate of mailing, the plaintiff may complete data element Nos. 10 and 11 on the reverse of the form if the mailing to defendants occurs at or prior to filing of the warrant.
  - d. Generally, a party may not be represented by an attorney in small claims cases. However, the defendant's attorney may enter an appearance to request removal to general district court.

**WARRANT IN DEBT — SMALL CLAIMS DIVISION**

Commonwealth of Virginia VA. CODE § 16.1-79; 16.1-122.3

**1**

General District Court

CITY OR COUNTY

**2**

STREET ADDRESS OF COURT

TO ANY AUTHORIZED OFFICER: You are hereby commanded to summon the Defendant(s).

TO THE DEFENDANT(S): You are summoned to appear before this Court at the above address on

**3**

to answer the Plaintiff(s)' civil claim (see below)

RETURN DATE AND TIME

**4**

DATE ISSUED

**5**

[ ] CLERK [ ] DEPUTY CLERK [ ] MAGISTRATE

**CLAIM:** Plaintiff(s) claim that Defendant(s) owe Plaintiff(s) a debt in the sum of

**6**

**7**

**8**

\$ ..... net of any credits, with interest at .....% from ..... until paid.

INTEREST RATE

DATE FROM WHICH IS DUE

\$ ..... **9** ..... costs with the basis of this claim being

COSTS

**10** [ ] Open Account [ ] Contract [ ] Note [ ] Other (EXPLAIN) .....

**11** HOMESTEAD EXEMPTION WAIVED? [ ] YES [ ] NO [ ] cannot be demanded

**12**

DATE

**13**

[ ] PLAINTIFF [ ] PLAINTIFF'S EMPLOYEE

**CASE DISPOSITION**

**14** [ ] JUDGMENT that the Plaintiff(s) recover against [ ] named Defendant(s) [ ] .....

**15**

**16**

**17**

\$ ..... net of any credits, with interest at .....% from ..... until paid.

INTEREST RATE

DATE FROM WHICH IS DUE

\$ ..... **18** ..... costs

COSTS

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

[ ] JUDGMENT FOR **20** NAMED DEFENDANT(S) [ ] .....

[ ] NON-SUIT **21** DISMISSED .....

Defendant(s) Present? **22** YES .....

**23** NO

**24** Indemnifying bond of \$ ..... [ ] secured [ ] unsecured required for lost instrument  
(Va. Code § 8.01-32)

**25**

DATE

**26**

JUDGE

RETURN DATE

**27**

CASE NO.

**28**

**29**

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

**30**

v.

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

NEXT HEARING  
DATE AND TIME

**32**

**WARRANT IN DEBT—  
SMALL CLAIMS DIVISION**

\* \* \*

TO DEFENDANT: You are not required to appear; however, if you fail to appear, judgment may be entered against you. By law, this case must be tried on the return date above unless all parties agree upon a different date for trial. Other continuances shall be granted by the court only for good cause shown.

\* \* \*

**31**

Grounds of Defense .....  
ORDERED DUE

JUDGMENT PAID OR  
SATISFIED PURSUANT  
TO ATTACHED NOTICE  
OF  
SATISFACTION

**33**

DATE

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

**34**

CLERK

Data Elements, front

- 1. Court name.
- 2. Court street address.

To be completed by the clerk:

- 3. Return date and time (date and time of scheduled appearance, cannot exceed sixty days from service).
- 4. Date of issuance of this WARRANT IN DEBT.
- 5. Signature of person issuing this WARRANT IN DEBT. Check the appropriate title box below in the signature line.

- 6. Principal amount of claim.
- 7. Interest rate(s) claim stated in annual percentage rates.
- 8. Date from which interest is requested.
- 9. Amount of court costs claimed in this case.
- 10. Check the basis of the claim. If “other” is checked, describe the basis of the claim.
- 11. Check the appropriate box regarding homestead exemption status.
- 12. Date of signing of claim.
- 13. Signature of person filing the claim. Check the appropriate title box below signature line.

To be completed by judge at time of trial:

- 14. Check the last box and enter names of defendants *only* if judgment is entered against fewer than all defendants. If judgment is entered against all defendants, check first box.
- 15. Amount of judgment principal.
- 16. Annual percentage rate.
- 17. Date from which interest runs.
- 18. Court costs assessed against the defendant.
- 19. Check the appropriate box to indicate homestead exemption status.

To be completed by judge at time of trial (cont’d):

- 20. Check the first box if judgment for all defendants is entered. If judgment for fewer than all defendants, also name the defendants for whom judgment is entered.
- 21. Check if a nonsuit is entered.
- 22. Check if the case is dismissed as to all defendants. If dismissal is for fewer than all defendants, also name the defendants for whom the case is dismissed.
- 23. Check the applicable box. If there are multiple defendants and not all were present, list names of those present.
- 24. If the case was based on a lost note and an indemnifying bond is required, check box and indicate whether the bond must be secured or unsecured.
- 25. Date of entry of judgment.
- 26. Signature of judge.

To be completed by clerk or judge upon filing:

- 27. Return date.
- 28. Court case number.

- 29. Names and addresses of plaintiff(s).
- 30. Names and addresses of defendant(s).

To be completed by the judge, if applicable:

- 31. If judge orders filing of grounds of defense, insert the appropriate dates.

To be completed by clerk or judge upon granting of continuance:

- 32. Space for noting continuance dates, if applicable.

For court use only:

- 33. Date on which a notice of satisfaction is received.
- 34. Initials of the clerk or deputy clerk who noted date of receipt of a notice of satisfaction.

**Transfer to Another Locality:** If the Defendant believes that Plaintiff(s) should have filed this suit in a different city or county, you may file a written request to have the case moved for trial to the general district court of that city or county. To do so, 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 top right corner, (c) Plaintiff(s)' name(s) and Defendant(s)' name(s), (d) "I move to object to venue of this case in this court because" and state the reasons for your objection 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 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 plaintiff.
3. If mailed to court, you will be notified of the judge's decision.

	<b>1</b>	
	NAME .....	
	.....	
	<b>2</b>	
	ADDRESS .....	
	.....	
<b>3</b>	<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 relations of recipient to party named above.  ..... ..... <b>5</b> .....	
<b>4</b>	<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 Secretary of the Commonwealth  <input type="checkbox"/> Served on Clerk of the State Corporation Commission.	
<b>6</b>	<input type="checkbox"/> NOT FOUND	<b>7</b>
		SERVING OFFICER
	<b>8</b>	<b>9</b>
	..... for .....	
	DATE	

	<b>1</b>	
	NAME .....	
	.....	
	<b>2</b>	
	ADDRESS .....	
	.....	
<b>3</b>	<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 relations of recipient to party named above.  ..... ..... <b>5</b> .....	
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<b>6</b>	<input type="checkbox"/> NOT FOUND	<b>7</b>
		SERVING OFFICER
	<b>8</b>	<b>9</b>
	..... for .....	
	DATE	

**REMOVAL TO GENERAL DISTRICT COURT**

I, the undersigned defendant, am exercising my right to remove this case to the general district court of this jurisdiction by signing and giving this notice to this court before the case is decided.

<b>12</b>	<b>13</b>
.....	.....
DATE	[ ] DEFENDANT [ ] ATTORNEY FOR DEFENDANT

**14**  oral  written notice of removal has been received this day in this small claims division.

<b>15</b>	<b>16</b>
.....	.....
DATE	[ ] CLERK [ ] JUDGE

I certify that I mailed a copy of this document to the defendants named therein at the address shown therein on	
<b>10</b>	<b>11</b>
.....	.....
DATE	[ ] PLAINTIFF [ ] PLAINTIFF'S EMPLOYEE

**Data Elements, reverse**

1. Name of person to be summoned. If person is a corporation's registered agent, show name of corporation on second line.
2. Address and telephone number of person to be summoned.

To be completed by serving official:

3. Check this box if personal service obtained.
4. Serving officer to check the appropriate box to designate type of substitute service.
5. If served by leaving the warrant in debt process with a family member age 16 or older, check appropriate box and insert required information.
6. Check this box if unable to serve process.
7. Signature of serving officer.
8. Date of signature.
9. Name of sheriff if served by deputy sheriff.

10. Date that plaintiff mailed copy of pleading to defendant.
11. Signature of person mailing the pleading. Check appropriate box below signature line.
12. If applicable, date on which defendant or the attorney for defendant signed request for removal.
13. If applicable, signature of person requesting removal. Check appropriate box to indicate whether the signature is that of the defendant or of the attorney for the defendant.
14. Check appropriate box.
15. Date on which request for removal was received.

To be completed by judge or clerk, if applicable:

16. Signature of clerk or judge receiving request for removal. Check appropriate title box.