
Using This Revisable PDF Form

This form was developed for use in cases where the plaintiff wants to file a civil claim for return of property in the small claims division of the general district court. A case may be filed in the small claims division only when the value of the property sought is work \$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 are prepared by plaintiff (claim, parties, and court name and address) and clerk (Data Elements Nos. 3, 4, 5, 30 and 34). Case Disposition prepared by judge.
3. Attachments
 - a. District court form DC-413, CERTIFICATE OF MAILING, or its equivalent – if filed by plaintiff.
 - b. District court 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 alternate value must always be given even if plaintiff wants only to recover the items rather than recovering the items or their alternate value since the alternate value is used to determine if the claim is within the jurisdictional limits of the general district court small claims division.
 - c. The Data Elements for service of process on the reverse of the WARRANT IN DETINUE are to be completed for each defendant who is served.
 - d. In lieu of a separate certificate of mailing, the plaintiff may complete Data Elements Nos. 10 and 11 on the back of the form if the mailing to defendants occurs at or prior to filing of the warrant.
 - e. 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 DETINUE – SMALL CLAIMS DIVISION
(CIVIL CLAIM FOR SPECIFIC PERSONAL PROPERTY)**

Commonwealth of Virginia

VA. CODE §§ 16.1-79; 16.1-122.3

1

General District Court

2

STREET ADDRESS OF COURT

TO ANY AUTHORIZED OFFICER: You are 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)' claim (see below).

RETURN DATE AND TIME

4

5

DATE ISSUED

CLERK DEPUTY CLERK MAGISTRATE

CLAIM: Plaintiff(s) claim the item(s) below to be unjustly withheld from Plaintiff's possession by Defendant(s).

ITEM	ALTERNATE VALUE	ITEM	ALTERNATE VALUE
1.		4.	
2. 6	7	5. 6	7
3.		6.	
\$ 8 TOTAL ALTERNATE VALUE	\$ 9 DAMAGES CLAIMED DUE TO UNJUST DETENTION	\$ 10 COSTS	

Plaintiffs seek possession of the items listed above, or their alternative values, damages resulting from the unjust detention of the items by Defendant(s) as indicated. The alternate values given are based upon actual value amount due on written contract of sale which the items were offered as security.

11

12 THE BASIS OF CLAIM IS: WRITTEN CONTRACT OF SALE OTHER (EXPLAIN)

13 HOMESTEAD EXEMPTION WAIVED? YES NO CANNOT BE DEMANDED

14

15

DATE

PLAINTIFF PLAINTIFF'S EMPLOYEE

16 JUDGMENT that Plaintiff(s) recover against named Defendant(s) possession of each item listed above, or its alternate value as shown above, at the election of Plaintiff(s) [or] Defendant(s), (if made within days, then at election of Plaintiff), with the exception of the following item nos. **18**

(\$ **19** Total Alternate Value Recoverable): \$ **20** damages with interest: **21**, \$ **22** costs.

23 HOMESTEAD EXEMPTION WAIVED: YES NO CANNOT BE DEMANDED

24 JUDGMENT FOR NAMED DEFENDANT(S)

NON-SUIT DISMISSED

DEFENDANT(S) PRESENT? YES NO **27**

28

29

DATE

JUDGE

RETURN DATE **30**

CASE NO. **31**

32

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

v.

33

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

**WARRANT IN DETINUE –
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.

34

Grounds of Defense
ORDERED DUE

Data Elements, page one

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

To be completed by clerk:

- 3. Return date and time (date and time of scheduled appearance).
- 4. Date of issuance of this Warrant in Detinue.
- 5. Signature of person issuing this Warrant in Detinue. Check the appropriate title box below the signature line.

- 6. List each item claimed.
- 7. List the alternate value of each item claimed.
- 8. Total of alternate values from Data Element No. 7.
- 9. Total damages from alleged unjust detention.
- 10. Amount of costs claimed.
- 11. Check the basis used to determine the alternate value.
- 12. Check the basis of the claim. If “other” is checked, describe the basis of the claim.
- 13. Check the appropriate box regarding homestead exemption status.
- 14. Date of signing of claim.
- 15. Signature of person filing the claim. Check the appropriate title box below the signature line.

To be completed by judge at trial:

- 16. Check the last box and enter names of defendants only if judgment is entered against less than all defendants. If judgment is entered against all defendants, check first box.
- 17. Check the party authorized to make the election. If election given to defendant, insert number of days within which defendant must make election.

To be completed by judge at trial (contd):

- 18. List the items described in Data Element No. 6 by line number that are not subject to election.
- 19. Insert total alternate value net of the items excluded in Data Element No. 18.
- 20. Principal amount of damages.
- 21. Interest rate in annual percentage rate and date from which interest runs.
- 22. Court costs assessed against the defendant.
- 23. Check the appropriate box.
- 24. Check the first box if judgment for all defendants is entered. If judgment for less than all defendants, also name the defendants for whom judgment is entered.
- 25. Check if a nonsuit is entered.
- 26. Check if the case is dismissed as to all defendants. If dismissal is for less than all defendants, also name the defendants for whom the case is dismissed.
- 27. Check the applicable box. If there are multiple defendants and not all were present, list names of those present.
- 28. Date of entry of judgment.
- 29. Signature of judge.

To be completed by clerk at time of filing:

- 30. Hearing date and time.
- 31. Court case number.

- 32. Names and addresses of plaintiffs.
- 33. Names and address of defendants.

To be completed by judge if applicable:

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

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, (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 the court, you will be notified of the judge's decision.

Form section 3-6: Includes fields for NAME (1), ADDRESS (2), PERSONAL SERVICE (3), and Not found (6). Includes checkboxes for service methods like 'Being unable to make personal service', 'Delivered to family member', 'Posted on front door', 'Served on Secretary of the Commonwealth', and 'Served on Clerk of the State Corporation Commission'. Includes fields for DATE (8) and SERVING OFFICER (7, 9).

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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.

Form section 12-13: Includes fields for DATE (12) and [] DEFENDANT / [] ATTORNEY FOR DEFENDANT (13).

14] Oral [] written notice of removal has been received this day in this small claims division.

Form section 15-16: Includes fields for DATE (15) and [] CLERK / [] JUDGE (16).

Form section 10-11: Includes text 'I certify that I mailed a copy of this document to the defendants named therein at the address shown therein on' and fields for DATE (10) and [] PLAINTIFF / [] PLAINTIFF'S EMPLOYEE (11).

Data Elements, page two

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 subpoena 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 for title of person.
12. If applicable, date on which defendant or the attorney for the 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 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.