

Using This Revisable PDF Form

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, and 19). Case Disposition, orders regarding bill of particulars and grounds of defense and order for payment of rent into court prepared by judge.
3. Attachments
 - a. Form DC-413, CERTIFICATE OF MAILING POSTED SERVICE, or its equivalent – if filed by plaintiff.
 - b. Form DC-325, REQUEST FOR WITNESS SUBPOENA – if completed before this form is issued.
 - c. Form DC-422, NOTICE OF HEARING TO ESTABLISH FINAL RENT AND DAMAGES.
 - d. Copy of five-day notice to pay or quit, or other notice of unlawful detainer, if required by statute.
4. Preparation details
 - a. This form merges the application (claim) and affidavit 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. For Data Element No. 17, notices, such as the five-day notice to pay or quit, do not have to be attached to this form when issued, but such notice must be presented in court at trial either by attachment to this form or by being presented to the judge.
 - c. The data elements for service of process on the reverse of the SUMMONS FOR UNLAWFUL DETAINER are to be completed for each defendant who is served.
 - d. In lieu of a separate certificate of mailing, the plaintiff, the plaintiff's attorney, or the plaintiff's agent 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. On the reverse, Data Element Nos. 12, 13 and 14 are for optional use by clerks in tracking the issuance of post-judgment process. This data is added when such post-judgment process is prepared because the clerk's staff has to use the warrant in preparing and issuing post-judgment process.
 - f. This form contains a provision for the clerk to note that a Notice of Satisfaction for this judgment has been received and is attached.

SUMMONS FOR UNLAWFUL DETAINER

(CIVIL CLAIM FOR EVICTION)

VA. CODE § 8.01-126
Commonwealth of Virginia

1

CITY OR COUNTY

General District Court

2

STREET ADDRESS OF COURT

TO ANY AUTHORIZED OFFICER: Summon the Defendant(s) as provided below:
TO THE DEFENDANT(S): You are commanded to appear before this Court on

3

RETURN DATE AND TIME

to answer this civil claim.

4

DATE ISSUED

5

[] CLERK [] DEPUTY CLERK [] MAGISTRATE

CLAIM AND AFFIDAVIT: That Defendant(s) unlawfully detains and withholds from Plaintiff(s):

6

ADDRESS/DESCRIPTION OF DETAINED PROPERTY

and that the Defendant should be removed from possession based on the following:

7 [] unpaid rent []
and further that rent is due and owing and damages have been incurred as follows:

\$ **8** rent due for **9** and \$ **10** late fee

and \$ **11** damages for **12** with interest **13**

and \$ **14** costs and \$ **15** civil recovery and \$ **16** attorney's fees.

17 [] Plaintiff requests judgment for all amounts due as of the date of the hearing.

18 [] This summons is filed to terminate a tenancy pursuant to the Virginia Residential Landlord and Tenant Act, § 55-248.2 *et seq.* of the Code of Virginia.

All required notices have been given. **19**
[] PLAINTIFF(S) [] PLAINTIFF'S ATTORNEY [] PLAINTIFF'S AGENT

Subscribed and sworn to before me this **20** day of, 20

My commission expires: **22** **21**
NOTARY REGISTRATION NO. **23** [] CLERK [] DEPUTY CLERK [] MAGISTRATE [] NOTARY PUBLIC

[] City [] County of **24**

CASE DISPOSITION

25

[] JUDGMENT that Plaintiff(s) recover against { [] named DEFENDANT(S).

26 [] possession of the premises described above pursuant to § 8.01-128.

27 [] A hearing shall be held on to establish final rent and damages.
DATE AND TIME

28 [] Immediate writ of possession authorized pursuant to Virginia Code
[] § 8.01-129 with a judgment [] of default [] arising out of a trustee's deed following foreclosure

29 [] for the nonpayment of rent [] for immediate non-remediable termination.

[] § 55-243(C) or § 55-248.34:1(D).
DEFENDANT(S) PRESENT? [] YES [] **30** NO

31 **32**
DATE JUDGE

[] Rent, in the sum of \$ **33** and \$ **34** late fee

and \$ **35** damages with interest **36** and
RATE(S) AND BEGINNING DATE(S)

\$ **37** costs and \$ **38** civil recovery and \$ **39** attorney's fees.

40 HOMESTEAD EXEMPTION WAIVED? [] YES [] NO [] CANNOT BE DEMANDED

41 [] JUDGMENT FOR [] NAMED DEFENDANT(S) []
42 [] NON-SUIT [] **43** DISMISSED DEFENDANT(S) PRESENT? [] **44** YES [] NO

45 **46**
DATE JUDGE

CASE NO. **47**

48

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

TELEPHONE NUMBER

v.

49

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

TELEPHONE NUMBER

TO DEFENDANT: You are not required to appear; however, if you fail to appear, judgment may be entered against you. See the additional notice on the reverse about requesting a change of trial location and your right to prevent this unlawful detainer action through payment of amounts owed.

50 [] To dispute this case, you must appear on the return date to try this case

[] To dispute this case, you must appear on the return date for the judge to set another date for trial.

If you fail to appear and a default judgment is entered against you, a writ of possession may be issued immediately for possession of the premises.

Bill of Particulars ordered **51**
DUE DATE

Grounds of Defense ordered **52**
DUE DATE

ATTORNEY FOR PLAINTIFF(S)
53

TELEPHONE NUMBER

ATTORNEY FOR DEFENDANT(S)
54

TELEPHONE NUMBER

TELEPHONE NUMBER

TELEPHONE NUMBER

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

HEARING DATE AND TIME

55

[] Redemption tender presented; continued to:

HEARING DATE AND TIME

[] Defendant must pay:

\$ **57**
RENT OWED

into the court to be held in escrow by

58
DATE

and any rents coming due prior to the next hearing date must also be paid into the court.

59
JUDGE'S INITIALS

MONEY JUDGMENT PAID OR SATISFIED PURSUANT TO ATTACHED NOTICE OF SATISFACTION

60
DATE

61
CLERK

Data Elements, front

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

To be completed by court personnel:

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

- 6. Insert street address and apartment number, if any; otherwise, give best location and description of property (such as "State Route 611, Box 72-A, Any place Co., Va."--2 bedroom white frame house).
- 7. Check and, if needed, insert reason why defendants allegedly are unlawfully detaining the property.
- 8. Total amount of unpaid rent to date.
- 9. Rental period for which rent is unpaid.
- 10. Amount of late fee, if applicable.
- 11. Damages, if any, caused by unlawful detainer.
- 12. Reasons for claiming damages.
- 13. Interest claimed, if applicable.
- 14. Amount of court costs claimed in this case.
- 15. Amount of civil recovery claimed.
- 16. Attorney's fee (if any) claimed.
- 17. Check this box if plaintiff requests judgment for all amounts due as of the date of the hearing.
- 18. Check this box if the case falls under the Virginia Residential Landlord and Tenant Act.

To be completed by person taking acknowledgement:

- 19. Signature of person filing the claim, stating notice has been given if required. Check the appropriate title box below the signature line.
- 20. Date of attestation.
- 21. Signature of person taking the attestation. Check the appropriate title box and, if appropriate, insert the status data of the signer below the signature line.
- 22. If notary public taking the attestation, insert notary's commission expiration date.
- 23. If notary public taking the attestation, insert notary's registration number.
- 24. Locality in which attestation taken. Check the appropriate box.

To be completed by the judge:

- 25. Check the box at margin to indicate that a judgment was given to plaintiff and check the correct box to indicate if judgment is entered against less than all defendants or judgment is entered against all defendants.
- 26. Check box if possession granted to plaintiff.
- 27. Check box if plaintiff requested time to establish final rent and damages and insert date and time of hearing.
- 28. Check if immediate writ of possession is authorized.
- 29. Check reason immediate writ of possession is authorized.
- 30. Check the applicable box. If there are multiple defendants and not all were present, list names of those present.

- 31. Date of entry of judgment for possession.
- 32. Signature of judge.
- 33. Amount of judgment for rent.
- 34. Late fee awarded.
- 35. Amount of damages awarded.
- 36. Interest rate in annual percentage rate and date from which interest runs.
- 37. Court costs assessed against the defendant.
- 38. Amount awarded for civil recovery.
- 39. Attorney's fees awarded by court.
- 40. Check applicable box.
- 41. Check the box on margin to indicate that judgment was for the one or more defendants and then check the first box if judgment for all defendants is entered. If judgment is for less than all defendants, name the defendants for whom judgment is entered.
- 42. Check if a nonsuit is entered.
- 43. Check if the case is dismissed as to all defendants. If dismissal is for less than all defendants, name the defendants for whom the case is dismissed.
- 44. Check box indicating if defendant(s) were present.
- 45. Date of entry of judgment for rent and damages.
- 46. Signature of judge.

- 47. Court case number.
- 48. Names and addresses of plaintiffs.
- 49. Names and addresses of defendants.

To be completed by the judge or clerk:

- 50. Check applicable box.
- 51. If judge orders filing of bill of particulars, insert the appropriate date.
- 52. If judge orders filing of grounds of defense, insert the appropriate date.

- 53. Name and address of plaintiff's attorney.
- 54. Name and address of defendant's attorney.

To be completed by judge or clerk

- 55. Return date. Space is left for adding continuance dates.
- 56. Check if redemption tender presented. Enter hearing date and time.
- 57. If continuance granted and judge orders defendant to pay rent to be held in escrow by the court, insert amount of rent owed.
- 58. Date by which rent owed must be paid into the court.
- 59. Judge's initials.
- 60. Date NOTICE OF SATISFACTION received and attached to SUMMONS.
- 61. Signature of clerk.

To the Defendant(s):

- (1) The preferred location for an Unlawful Detainer action is the city or county where the property is located. If the plaintiff has filed this case in a city or county other than where the property you rent is located, you may object to the location. The court may transfer the case to the preferred location, if the court agrees with you. The court may award costs and attorney's fees to you if the court agrees with your objection. To object to the location of the suit, you must do the following:
 - 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 left column under the words "TO THE DEFENDANT(S)," (c) Plaintiff(s)' name(s) and your 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.
 - 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 the plaintiff.
 - If you mail your written request to the court, the clerk will notify you of the judge's decision.
- (2) If you pay the landlord or his attorney or pay into court all (i) rent due and owing as of the court date as contracted for in the rental agreement, (ii) other charges and fees as contracted for in the rental agreement, (iii) late charges contracted for in the rental agreement, (iv) reasonable attorney fees as contracted for in the rental agreement or as provided by law, and (v) costs of the proceeding as provided by law, this unlawful detainer action will be dismissed pursuant to Virginia Code § 55-243 or 55-248.34:1. You may exercise this right only once every 12 months that you continue to live in the same place, regardless of the term of the rental agreement or any renewal term.
- (3) You may tell your landlord that you want another person to receive a copy of this summons, and the landlord shall send a copy to that person. However, the person you identify will not, by receiving a copy of the summons, become a party to the case or be able to challenge the landlord's actions on your behalf. Virginia Code § 55-248.9:1

I certify that I mailed a copy of this document to the defendants named therein at the address show therein on

..... **10** **11**

DATE [] PLAINTIFF [] PLAINTIFF'S ATTORNEY [] PLAINTIFF'S AGENT

Fi. Fa. issued on **12**

Interrogatories issued on **13**

Garnishment issued on **14**

RETURNS: Each defendant was served according to law, as indicated below, unless not found.

Name **1**

Address **2**

[**3**] Personal Service Tel. No.

[] 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.

..... **5**

[] 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

[**6**] Not found **7**

SERVING OFFICER

..... **8** for **9**

DATE

Name

Address

[] Personal Service Tel. No.

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

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.....

[] 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

[] Not found SERVING OFFICER

..... for

DATE

Data Elements, reverse

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

To be completed by serving officer:

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, plaintiff's attorney, or plaintiff's agent mailed copy of pleading to defendant.
11. Signature of person mailing the pleading. Check the appropriate title box below the signature line.

For use by clerk:

12. Date(s) writ of fieri facias was issued.
13. Date(s) summons to answer interrogatories was issued.
14. Date(s) garnishment summons was issued.