
Using This Revisable PDF Form

1. Copies
 - a. Original – to court.
 - b. First copy – to principal defendant. If more than one defendant, prepare additional copies for each principal defendant and co-defendant listed in Data Element No. 17.
 - c. Second copy – to plaintiff.
2. Prepared by plaintiff except as to acknowledgements acknowledged by clerk, magistrate or judge.
3. Attachments
 - a. List of facts supporting the ground of attachment.
 - b. Form DC-424, DISTRESS WARRANT.
 - c. Form DC-447, PLAINTIFF’S BOND FOR LEVY OR SEIZURE.
4. Preparation details
 - a. The facts listed in the list of facts must support the legal basis (grounds of attachment) listed in Data Element No. 17. The list of such grounds is printed on the back.
 - b. If “levy and take into possession (seize)” is check in Data Element No. 18, then Grounds of Attachment Nos. 7 and 8 must be alleged and these two grounds can be alleged only in pre-trial distress seizure (Va. Code § 55-232.1).
 - c. Distress can be used only to recover rent. Damages may be recovered through other civil process, such as by warrant in debt or by attachment.

DISTRESS PETITION

Virginia Code §§ 55-230

Case No. 1

2
COURT NAME

3
PLAINTIFF(S)

v.

5
PRINCIPAL DEFENDANT(S)

4
ATTORNEY FOR PLAINTIFF(S)

6
CO-DEFENDANT(S)

STATEMENT

Rent	\$ <u>7</u>
Bond Premium (if any)	\$ <u>8</u>
Attorney's Fee (by contract)	\$ <u>9</u>
Court Fees and Costs	\$ <u>10</u>
Storage (estimated to hearing date)	\$ <u>11</u>
TOTAL CLAIMED	\$ <u>12</u>

I. Plaintiff(s)' claims against principal Defendant(s) are to recover rent from within five (5) years from the time that it became due to the date of this petition, which was reserved upon contract, in the amount of

(a) \$ 13 (b) 14
(DESCRIPTION AND VALUE)

II. The items of property subject to distraint are:

15 (a) All non-exempt items of personal property are located at the address of the principal defendant(s) listed below
(b) The following items of personal property

which are located at

16 the address of the co-defendant(s) listed below

PLAINTIFF(S)--states that the prerequisite Grounds for Attachment number 17 (from list on Page Two) is present in this case and a list of facts supporting this grounds is attached and incorporated into this petition.

PLAINTIFF(S)--therefore requests the following specific relief (if any):

18 levy
 levy and take into possession (seize) } the following property:

19 the property described in II(b), above with an estimated fair market value of \$ 19
 such property in the estate of the principal defendant(s) as will satisfy the amount shown in TOTAL CLAIMED above

and such other further relief as may be required and appropriate.

The statements above are true and accurate to the best of my knowledge and belief.

20
 PLAINTIFF PLAINTIFF'S AGENT PLAINTIFF'S ATTORNEY

FOR NOTARY PUBLIC'S USE ONLY:

State of 21 City County of 22

Acknowledged, subscribed and sworn to before me this 23 day of _____, 20 _____

24
NOTARY REGISTRATION NUMBER

25
NOTARY PUBLIC
(My commission expires: 26)

Data Elements

- | | |
|---|---|
| <ol style="list-style-type: none"> 1. Court case number. 2. Name of court. 3. Name(s) and street address(es) of plaintiff(s). 4. Insert names of petitioner's/ plaintiff's attorney(s). 5. Name(s) and street(es) of principal defendant(s). 6. Name(s) and street address(es) of co-defendants (if any). 7. Insert amount of rent or value or property claimed as rent (Data Element Nos. 13 and 14). 8. If surety is used to secure PLAINTIFF'S BOND FOR LEVY OR SEIZURE, form DC-447, include bond premium. 9. If claim involves a contract allowing attorney's fees to be collected insert estimated attorney's fees. 10. Insert estimated court fees and costs if actual fees are not known. Otherwise, use actual fees. 11. Insert estimated storage fees. 12. Insert total amount claimed. 13. Check and insert amount if unpaid rent. 14. Check and complete description if unpaid rent is expressed in some property other than money (such as a share of a crop) and include the value of such property if known. | <ol style="list-style-type: none"> 15. Check the applicable box and, if appropriate, describe the property subject to distraint. 16. Check the applicable box and, if appropriate, insert the address at which the property described in Data Element No. 15 may be found for levy or seizure. 17. Insert number from back of form stating legal basis of grounds of attachment. 18. Check specific type of action sought by the plaintiff. 19. Check (and complete if appropriate) the description of property to be attached. 20. Signature of plaintiff or his agent or attorney. Check the appropriate title box below the signature line. <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p>To be completed by Notary Public:</p> <ol style="list-style-type: none"> 21. Enter name of state. 22. Check applicable box and enter the city or county where acknowledgement is taken. 23. Date of acknowledgement of this document. 24. Enter Notary's registration number. 25. Signature of Notary Public. 26. Notary's registration number. </div> |
|---|---|

A. The principal defendant or one of the principal defendants:

- A. (1) Is a foreign corporation, or is not a resident of this Commonwealth, and has estate or has debts owing to such defendant within the county or city in which the attachment is, or that such defendant being a nonresident of this Commonwealth, is entitled to the benefit of any lien, legal or equitable, on property, real or personal, within the county or city in which the attachment is. The word "estate," as herein used, includes all rights or interest of a pecuniary nature which can be protected, enforced, or proceeded against in courts of law or equity;
- A. (2) Is removing or is about to remove himself out of this Commonwealth with intent to change his domicile;
- A. (3) Intends to remove, or is removing, or has removed the specific property sued for, or his own estate, or the proceeds of the sale of his property, or a material part of such estate or proceeds, out of this Commonwealth so that there will probably not be therein effects of such debtor sufficient to satisfy the claim when judgment is obtained therefore should only the ordinary process of law be used to obtain the judgment;
- A. (4) Is converting, is about to convert or has converted his property of whatever kind, or some part thereof, into money, securities or evidences of debt with intent to hinder, delay or defraud his creditors;
- A. (5) Has assigned or disposed of or is about to assign or dispose of his estate, or some part thereof, with intent to hinder, delay or defraud his creditors;
- A. (6) Has absconded or is about to abscond or has concealed or is about to conceal himself or his property to the injury of his creditors, or is a fugitive from justice.

The intent mentioned in Subdivision A(4) and A(5) above may be stated either in the alternative or conjunctive.

B. The specific personal property sought to be levied or seized:

- B. (1) Will be sold, removed, secreted or otherwise disposed of by the defendant, in violation of an obligation to the plaintiff, so as not to be forthcoming to answer the final judgment of the court respecting the same; or
- B. (2) Will be destroyed, or materially damaged or injured if permitted to remain in the possession of the principal defendant or one of the principal defendants or other person or persons claiming under them.

C. In an action for rent, there is an immediate danger that the property subject to the landlord's lien for rent will be destroyed or concealed.