

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.
 - d. Additional copies as dictated by local practice.
2. Prepared by tenant-plaintiff except Data Element Nos. 17 through 27 which are prepared by court personnel/judge.
3. Attachments
 - a. Form DC-430, SUMMONS FOR HEARING.
 - b. Form DC-325, REQUEST FOR WITNESS SUBPOENA, if completed before this form is issued.
4. Preparation details – The tenant should be shown the conditions on the reverse of the form outlining what he must do to use this landlord-tenant procedure.

TENANT'S ASSERTION AND COMPLAINT

Commonwealth of Virginia VA. CODE §§ 55-225.12; 55-248.27

..... **1** General District Court

..... **2**
STREET ADDRESS OF COURT

TO ANY AUTHORIZED OFFICER:

You are hereby commanded to summon the Defendant(s) to appear on **3**
before this court to answer. DATE AND TIME

..... **4**
DATE

..... **5**
[] CLERK [] DEPUTY CLERK [] MAGISTRATE

I, the undersigned Tenant, this day assert that Plaintiff(s) executed a lease as indicated with Defendant(s) for the rental of the dwelling unit or premises indicated.

DATE LEASE EXECUTED 6	DATE RENTAL PERIOD COMMENCED 7	DATE RENTAL PERIOD ENDS 8
AMOUNT OF RENT 9	PERIOD AND CONDITIONS OF PAYMENT 10	

The following conditions, for which relief is sought, currently exist in the dwelling unit or premises:

..... **11**

....., and these conditions

[] constitute material non-compliance by Defendant(s) – Landlord(s) with the rental agreement as indicated below; [or]

[] constitute material non-compliance by Defendant(s) – Landlord(s) with the provisions of law, as indicated below; [or]

[] will constitute a fire hazard or serious threat to the life, health, or safety of occupant, if not properly corrected, as indicated below;

..... **13**

LIST PERTINENT SECTION OF RENTAL AGREEMENT [OR] SECTION OF THE CODE OF VIRGINIA [OR] TYPE OF HAZARD. EXPLAIN.

Plaintiff(s) – Tenant(s) therefore requests that the Court grant the following specific relief:

..... **14**

....., and any other appropriate relief.

I certify that all prerequisite conditions for relief, as shown on the reverse of this form, have been met.

..... **15**
DATE

..... **16**
TENANT

CASE DISPOSITION

17 Judgment: [] Plaintiff(s) \$ [] Defendant(s)

\$ **18** Costs awarded to [] Plaintiff(s) [] Defendant(s)

Distribution of funds held in escrow in the court:

19 [] \$ Plaintiff(s) **20** [] \$ Defendant(s)

Other: **21**

22 [] NON-SUIT [] DISMISSED **23** Defendant(s) present? [] Yes [] No

..... **24**
DATE ENTERED

..... **25**
JUDGE

RETURN DATE **26** CASE NO. **27**

TENANT'S ASSERTION AND COMPLAINT

28

PLAINTIFF(S) – TENANT(S)

V.

29

DEFENDANT(S) – LANDLORD(S)

ADDRESS/LOCATION OF DWELLING UNIT OR PREMISES SUBJECT TO THIS ACTION

30

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 page two about requesting a change of trial location.

[] To dispute this claim, 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. See additional notice on page two.

Bill of Particulars **32**
ORDERED DUE

Grounds of Defense **33**
ORDERED DUE

ATTORNEY FOR PLAINTIFF(S)

34

ATTORNEY FOR DEFENDANT(S)

35

HEARING DATE AND TIME

36

Data Elements, page one

- | | |
|---|--|
| <ol style="list-style-type: none"> 1. Court jurisdiction. 2. Street address of court. 3. Date and time of scheduled appearance in court. 4. Date signed by clerk. 5. Signature of person issuing this form. Check the appropriate title box below the signature line. 6. Date that lease was signed by both parties. 7. Date on which the lease started. 8. Date on which the lease ends. 9. Amount of each installment of rent as provided in the lease. 10. Date on which payment is due as specified in the lease, and period of time (weekly, monthly, etc.) covered by each rent payment. Include other conditions of payment, such as grace periods after the due date. 11. Specific factual conditions which justify the withholding of rent and depositing the rent in the general district court. 12. Type of legal violation caused by the specific factual conditions described in Data Element No. 11. 13. List specific provisions in the lease, such as rent abatement, mandatory repairs, termination of lease, etc., specific section of the Virginia Code, or type of hazard constituting violation, and explain. 14. Specific relief sought by the tenants, such as rent abatement, mandatory repairs, termination of lease, etc. 15. Date of signature. 16. Signature of tenant. 17. Check the appropriate box if a judgment for money is awarded to plaintiff or | <p>defendant (or both) and insert the amount of the judgment beside the party awarded the judgment.</p> <ol style="list-style-type: none"> 18. Amount of costs. Check the appropriate box to indicate who is liable for costs. 19. If any escrowed funds are distributed to plaintiff, check the box and show how much was ordered to be distributed to plaintiff. 20. If any escrowed funds are to be distributed to defendant, check the box and show how much was ordered to be distributed to defendant. 21. Other provisions of the judgment. 22. Check appropriate box if applicable. 23. Check the appropriate box. 24. Date of entry of order. 25. Signature of judge. 26. Return date. 27. Court case number. 28. Name(s) and address(es) of plaintiffs. 29. Name(s) and address(es) of defendants. 30. Address or location of rental property that is the subject of this suit. 31. Check box for method used to set contested cases. 32. If judge orders filing of bill of particulars, insert the appropriate date. 33. If judge orders filing of grounds of defense, insert appropriate date. 34. Name and address of plaintiff's attorney. 35. Name and address of defendant's attorney. 36. Hearing date and time. |
|---|--|

PREREQUISITE CONDITIONS FOR RELIEF

BEFORE THIS COURT MAY GRANT ANY RELIEF, THE FOLLOWING CONDITIONS MUST BE MET:

1. The dwelling unit or premises which is the subject of the complaint must be located within the jurisdiction of this Court, that is, within the city or county indicated in the name of this Court.
2. The conditions existing in the dwelling unit or premises for which relief is sought must not have been caused by Plaintiff(s) – Tenant(s), nor by the family, guests or invitees of Plaintiff(s) – Tenant(s).
3. The Plaintiff(s) – Tenant(s) must not have unreasonably refused entry to the Defendant(s) – Landlord(s), or the agents of Defendant(s) – Landlord(s) when entry was sought to make the necessary repairs.
4. Prior to commencement of the action, the landlord was served a written notice by the tenant of conditions described on the front of this form, or was notified of such conditions by a violation or condemnation notice from an appropriate state or municipal agency, and that the landlord has refused, or having a reasonable opportunity to do so, has failed to remedy the same through no fault on the Tenant's part. Such written notice may be served by (a) regular mail (postage prepaid), with the sender retaining proof of mailing (such as a U.S. Postal Service certificate of mailing) or (b) hand delivery by the sheriff or a disinterested third party, 18 years of age or older, when delivery made in accordance with Chapter 8 of Title 8.01 of the Code of Virginia.
5. Any and all rents due under the lease, or as modified by the Court, have been paid into the Court within five days of their due date.
6. This action in this Court is the sole remedy now being sought by the Plaintiff(s) – Tenant(s) for the conditions existing in the dwelling unit or premises that are the subject of this complaint.

I certify that I mailed a copy of this document to the defendants named therein at the address shown therein on	
1 <small>DATE</small>	2 <input type="checkbox"/> Plaintiff <input type="checkbox"/> Plaintiff's Attorney <input type="checkbox"/> Plaintiff's Employee
Fi. Fa. issued on	3
Interrogatories issued on	4
Garnishment issued on	5

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

Name	6
Address	7
8 <input type="checkbox"/> PERSONAL SERVICE Tel. No.	
9 <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 relation of recipient to party named above. style="text-align: center;"> 10	
<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.	
11 <input type="checkbox"/> Not found 12 style="text-align: center;"> <small>SERVING OFFICER</small>	
13 DATE	for 14

Name	
Address	
<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 relation of recipient to party named above.	
<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"/> Not found <small>SERVING OFFICER</small>	
DATE	for

Data Elements, page two

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

For use by clerk:

3. Date(s) writ of fieri facias was issued.
4. Date(s) summons to answer interrogatories was issued.
5. Date(s) garnishment summons was issued.

6. 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.
7. Address and telephone number of person to be summoned.

To be completed by serving officer:

8. Check this box if personal service obtained.
9. Serving officer to check the appropriate box to designate type of substitute service.
10. If served by leaving the subpoena with a family member age 16 or older, check appropriate box and insert required information.
11. Check this box if unable to serve process.
12. Signature of serving officer.
13. Date of signature.
14. Name of sheriff if served by deputy sheriff.