

Using This Revisable PDF Form

1. Copies
 - a. Original – to court or Commissioner in Chancery (Commissioner in Chancery to return form to court after interrogatory proceeding is completed).
 - b. First copy – to respondent.
2. Prepared by judgment creditor except Data Elements Nos. 3-6 (except where judgment creditor selects his own Commissioner in Chancery), 19-23 and 29, which are prepared by clerk or judge.
3. Attachments – none.
4. Preparation details

By using this form, which includes a Writ of Fieri Facias, the clerk does not need to prepare a separate form DC-467, WRIT OF FIERI FACIAS.

SUMMONS TO ANSWER INTERROGATORIES

Va. Code §§ 8.01-506, 16.1-103

1

CITY OR COUNTY

General District Court

2

STREET ADDRESS OF COURT

TO ANY SERVING OFFICER: Serve this summons on the Respondent then return this summons to the Court of Commissioner in Chancery designated below before whom the Respondent is to appear. TO THE RESPONDENT: A Writ of Fieri Facias was issued on a judgment in favor of Judgment Creditor(s) against Judgment Debtor(s) as indicated below, and the Writ of Fieri Facias constitutes a lien upon the personal estate(s) of the Judgment Debtor(s). At the Judgment Creditor(s) request, you are hereby commanded to appear on

3

DATE

at

TIME

before

[] this Court (or) [] Court (or)

4

Commissioner in Chancery

STREET ADDRESS

to answer questions concerning property and assets of Judgment Debtor(s) which are held or controlled by the Respondent.

TO JUDGE OR COMMISSIONER IN CHANCERY: Forward these case papers to the issuing court upon completion of the interrogatory proceedings.

5

DATE ISSUED

6

[] CLERK

[] JUDGE

REQUEST FOR SUMMONS TO ANSWER INTERROGATORIES

I request the issuance of a Summons to Answer Interrogatories in connection with the judgment [] in this case [] of the Court requiring the execution debtor to appear before the court named above, where the execution debtor resides or contiguous thereto. I have paid the required fees and have filed or docketed an Abstract of Judgment in this court. The details and status of such judgment are:

DATE WRIT OF FIERI FACIAS ISSUED 8	DATE OF JUDGMENT UPON WHICH 9	AMOUNT \$ 10	COSTS \$ 11	ATTY'S FEES \$ 12
LEGAL INTERESTS DUE ON JUDGMENT: RATES AND BEGINNING DATE(S) 13		CREDITS \$ 14	TOTAL BALANCE DUE 15	

I certify that I have not proceeded against the Judgment Debtor(s) under § 8.01-506 within six (6) months from this date.

16

DATED ISSUED

17

[] JUDGMENT CREDITOR

[] JUDGMENT CREDITOR'S ATTORNEY

18

ADDRESS/TELEPHONE NUMBER OF [] JUDGMENT CREDITOR [] JUDGMENT CREDITOR'S ATTORNEY

WRIT OF FIERI FACIAS TO ANY AUTHORIZED OFFICER: You are commanded to make the money herein mentioned, the principal, interest, costs and attorney's fees, less credits (itemized on the attached list), as shown above, out of the goods, chattels, money, bank notes and other personal property or intangible personal estate of the Judgment Debtor(s). You are further commanded to make your return to the Clerk's Office within 90 days of this date.

19

Homestead Exemption Waived? [] yes [] no [] cannot be demanded

20

21

RETURN DATE

22

CASE NO.

23

SUMMONS TO ANSWER INTERROGATORIES AND WRIT OF FIERI FACIAS

24

RESPONDENT [] SAME AS DEFENDANT

ADDRESS/LOCATION

IN CONNECTION WITH THE CASE OF:

25

PLAINTIFF(S)

v.

26

DEFENDANT(S)

27

Plaintiffs are Judgment: [] Creditors [] Debtor(s)
Defendant(s) are Judgment: [] Creditors [] Debtor(s)

ATTORNEY FOR PLAINTIFF(S)

28

WARNING TO RESPONDENT: If you fail to appear in response to this summons, or if you fail to answer questions put to you at the hearing, or if you make answers deemed by the Court or Commissioner presiding to be evasive, YOU MAY BE SUBJECT TO ARREST AND IMPRISONMENT UNTIL SUCH TIME AS YOU SHALL MAKE PROPER ANSWERS.

HEARING DATE AND TIME

29

.....
DATE

CLERK

FORM DC-440 (FRONT) 07/09

Data Elements, front

1. Jurisdiction name.

2. Street address of court.

To be completed by clerk or judge:

3. Date and time of scheduled examination.

4. Location of examination. If examination conducted away from court that entered judgment, include name and street address of such other court or Commissioner in Chancery who will conduct the examination. If Commissioner in Chancery is used, add name of circuit court (if known) that appointed the Commissioner in Chancery.

5. Date of issuance.

6. Signature of issuing officer. Check the appropriate title box below the signature line.

7. Check the appropriate box and indicate the court in which the interrogatory proceeding will be heard, if applicable.

8. Date of issuance of Fieri Facias. Use date from Writ of Fieri Facias, only if this summons is issued in connection with an earlier Writ of Fieri Facias. Otherwise, insert date in Data Element No. 5.

9. Date of entry of judgment on original case papers.

10. Judgment amount from original judgment.

11. Costs from original judgment.

12. Attorney's fees from original judgment.

13. Insert information from original judgment.

14. Credits paid on judgment.

15. Insert total amount due from original judgment after credits in Data Element No. 14 are applied.

16. Date of signing of request.

17. Signature of requesting party. Check the appropriate title box below the signature line.

18. Address and telephone number of requesting party.

To be completed by clerk:

19. Check the appropriate box.

20. Date of issuance.

21. Signature of clerk.

22. Return date – same as Data Element No. 3.

23. Court case number of original judgment.

24. Name and address of respondent. If respondent and the defendant are the same person, omit the name and address here and check the box "same as defendant."

25. Name(s) of plaintiff(s).

26. Name(s) of defendant(s).

27. Check the appropriate boxes (one per line) to show post-judgment status of plaintiff and defendant.

28. Name of plaintiff's attorney.

To be completed by the clerk:

29. Space has been provided for insertion of continuance dates.

To the Judgment Debtor: If you wish to have this hearing transferred to a city or county where it would be more convenient to you to appear that the city or county shown on the front of this summons and you "show good cause" (give a good reason) for the transfer, the court will move the hearing. To use this procedure, 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 right corner, (c) Plaintiff(s)' name(s) and Defendant(s)' name(s), (d) the phrase "I move to transfer this hearing because" and state the reasons for wanting to transfer, 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 with the clerk's office of the court named at the top of the front side of this summons before the hearing date (use the mail at your own risk). If the summons requires the hearing to be held at a different court or before a commissioner in chancery, also send or deliver a copy (marked "COPY") to that court or commissioner in chancery. Finally, also send or deliver a copy to the Judgment Creditor(s) as shown on the front of this summons.
3. You will be notified of the judge's decision.

I certify that I mailed a copy of this document to the defendants named therein at the address shown therein on
10 DATE 11 [] PLAINTIFF [] PLAINTIFF'S ATTORNEY
Fi. Fa. issued on 12
Interrogatories issued on 13
Garnishment issued on 14

CAME TO HAND
15 DATE AND TIME
16 SHERIFF

NOTE:
Return of Writ of Fieri Facias to be used if no effects found - otherwise, use appropriate sections of form DC-467, WRIT OF FIERI FACIAS.
17 [] NO EFFECTS FOUND
18 DATE
19 SHERIFF
by 20 DEPUTY SHERIFF

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

NAME 1
ADDRESS 2
[] 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 Secretary of the Commonwealth.
6 [] Not found 7 SERVING OFFICER
8 DATE for 9
NAME
ADDRESS
[] 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.
[] 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 Secretary of the Commonwealth.
[] Not found SERVING OFFICER
DATE for

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 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 over age 16, 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 judgment creditor mailed copy of this summons as a pleading to person to be summoned.

11. Signature of person mailing the pleading.

Court use only:

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

To be completed by officer executing writ:

15. Date received by sheriff.
16. Signature of sheriff.
17. Check if applicable.
18. Date of execution of return.
19. Signature of sheriff (print or type if return made by deputy sheriff).
20. Signature of deputy sheriff if return made by deputy sheriff.