

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 Elements Nos. 3, 4, 5, 19, and 24). Case Disposition prepared by judge.
3. Attachments
 - a. Form DC-413, CERTIFICATE OF MAILING, or its equivalent – if filed by plaintiff.
 - b. Form DC-325, REQUEST FOR WITNESS SUBPOENA – if completed before this form is issued.
4. Preparation details – none.

PETITION AND ORDER FOR SALE OF PROPERTY

Commonwealth of Virginia

Va. Code §§ 43-34; 46.2-644.03

..... **1** General District Court
CITY OR COUNTY

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

TO ANY AUTHORIZED OFFICER:

You are hereby commanded to summon the defendant(s).

TO THE DEFENDANT(S):

You are summoned to appear before this court at the above address on

..... **3**
RETURN DATE AND TIME

to answer the Plaintiff(s)'s civil claim (see below)

..... **4**
DATE

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

TO THE COURT:

I hereby petition this court to order the sale of the following described property,

..... **6**
DESCRIPTION

valued at \$ **7**

located in **8**
CITY/COUNTY

- having value greater than \$10,000 but not greater than \$25,000, pursuant to § 43-34.
- 9** having value greater than \$12,500 but not greater than \$25,000, pursuant to § 46.2-644.03.
- the property described above is a motor vehicle owned by a military servicemember having value less than \$12,500.

I/we hereby certify that I/we have a lien against this property pursuant to Virginia Code §§ 43-31 through 43-33, 46.2-644.01 or 46.2-644.02 that has not been paid within ten days of the date due.

I/we hereby certify that notice has been served on the owner of the property pursuant to Virginia Code §§ 43-34 or 46.2-644.03, whichever is applicable.

..... **10**
DATE

..... **11**
SIGNATURE OF PLAINTIFF(S)

CASE DISPOSITION

- 12** The Court finds for the Defendant.
- 13** The debt and lien having been established by the Plaintiffs and having found that the property should be sold to pay the debt, this court hereby orders the sheriff of

..... **14**
COUNTY/CITY

to sell and dispose of the above-described property and dispose of the proceeds in the same manner as if the sale was made under a writ of fieri facias.

- 15** The Court orders a stay sua sponte on application of a servicemember whose ability to comply with the obligation resulting in this proceeding is materially affected by military service until

..... **16**
NEXT HEARING DATE

..... **17**
DATE

..... **18**
JUDGE

CASE NO. **19**

..... **20**
PLAINTIFF(S)

.....
ADDRESS/LOCATION

.....
v.

..... **21**
DEFENDANT(S)

.....
ADDRESS/LOCATION

PETITION AND ORDER FOR SALE OF PROPERTY

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.

To dispute this claim, you must appear on the return date to try this case.

22 To dispute this claim, you must appear on the return date for the judge to set another date for trial.

Bill of Particulars **23**
ORDERED DUE

Grounds of Defense **24**
ORDERED DUE

ATTORNEY(S) FOR PLAINTIFF(S)
..... **25**

ATTORNEY(S) FOR DEFENDANT(S)
..... **26**

HEARING DATE AND TIME

..... **27**

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

Data Elements, page one

1. Court name (General District Court jurisdiction - \$0.01 – \$15,000).
2. Court street address.
3. Return date and time (date and time of scheduled appearance, cannot exceed sixty days from service).
4. Date of issuance.
5. Signature of person issuing. Check the appropriate title box below the signature line.
6. Description of property the plaintiff wants sold.
7. Value of property the plaintiff wants sold.
8. Where the property to be sold is located.
9. Check applicable box.
10. Date of signing of the claim.
11. Signature of person filing the claim.
12. Check this box if the court finds for the defendant.
13. Check this box if the court orders that the property be sold.
14. Jurisdiction of sheriff who is ordered to sell the property described in Data Element No. 6.
15. Check this box if the court is ordering a stay, and indicate whether it is on the court's own motion or on application of the defendant servicemember.
16. Date of next hearing as a result of stay being ordered.
17. Date of entry of judgment.
18. Signature of judge.
19. Court case number.
20. Names and addresses of plaintiffs.
21. Names and addresses of defendants, if known.
22. Check box for method used to set contested cases.
23. If judge orders filing of bill of particulars, insert the appropriate date.
24. If judge orders filing of grounds of defense, insert the appropriate date.
25. Name and address of plaintiff's attorney.
26. Name and address of defendant's attorney.
27. Hearing date and time.

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

NAME 1	
ADDRESS 2	
<input type="checkbox"/> 3 PERSONAL SERVICE	Tel. No. 2
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.	
..... 5	
<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"/> 6 NOT FOUND 7
	SERVING OFFICER
..... 8	for 9
DATE	

NAME	
ADDRESS	
<input type="checkbox"/> PERSONAL SERVICE	Tel. No.
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<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.	
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<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
	SERVING OFFICER
.....	for
DATE	

NAME	
ADDRESS	
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<input type="checkbox"/> Served on Secretary of the Commonwealth	
<input type="checkbox"/> NOT FOUND
	SERVING OFFICER
.....	for
DATE	

OBJECTION TO VENUE:

To the Defendant(s): If you believe 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 right corner, (c) Plaintiff(s)' name(s) and Defendant(s)' name(s), (d) the phrase "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.
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 you mail this request to the court, 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 11
DATE	<input type="checkbox"/> Plaintiff <input type="checkbox"/> Plaintiff's Atty. <input type="checkbox"/> Plaintiff's Agent

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.
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 warrant in debt process 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 who mailed the pleading.