

GARNISHMENT SUMMONS

Commonwealth of Virginia, VA. CODE §§ 8.01-511, -512.3

Case No.

..... Circuit Court

..... COURT ADDRESS

JUDGMENT CREDITOR:

JUDGMENT DEBTOR:

v.

Telephone No.

JUDGMENT CREDITOR'S ATTORNEY:

Soc. Sec. No.

Garnishee:

Telephone No.

STATEMENT:

Judgment Principal: \$

Credits

Interest

Judgment Costs

Attorney's Fee

Garnishment Costs

.....
HEARING DATE AND TIME

This is a garnishment against (check only one)

- the judgment debtor's wages, salary or other compensation.
- some other debt due or property of the judgment debtor, specifically,

MAXIMUM PORTION OF DISPOSABLE EARNINGS SUBJECT TO GARNISHMENT

- Support
- 50% 55% 60% 65%
- (if not specified, then 50%)
- state taxes, 100%

TOTAL BALANCE DUE \$ _____
The garnishee shall rely on this amount.

..... DATE OF JUDGMENT

If none of the above are checked, then § 34-29(a) (on reverse) applies.

TO ANY AUTHORIZED OFFICER: You are hereby commanded to serve this summons on the judgment debtor and the garnishee.

TO THE GARNISHEE: You are hereby commanded to (1) file a written answer with this court, or (2) deliver payment to this court, or (3) appear before this court on the return date and time shown on this summons to answer the Suggestion for Summons in Garnishment of the judgment creditor that, by reason of the lien of writ of fieri facias, there is a liability as shown in the statement upon the garnishee.

As garnishee, you shall withhold from the judgment debtor any sums of money to which the judgment debtor is or may be entitled from you during the period between the date of service of this summons on you and the date for your appearance in court, subject to the following limitations: (1) The maximum amount which may be garnished is the "TOTAL BALANCE DUE" as shown on this summons. (2) You shall not be liable to the judgment creditor for any property not specified in this garnishment summons. (3) If the sums of money being garnished are earnings of the judgment debtor, then the provision of "MAXIMUM PORTION OF DISPOSABLE EARNINGS SUBJECT TO GARNISHMENT" shall apply.

If a garnishment summons is served on an employer having one thousand or more employees, then money to which the judgment debtor is or may be entitled from his or her employer shall be considered those wages, salaries, commission or other earnings which, following service on the garnishee-employer, are determined and are payable to the judgment debtor under the garnishee-employer's normal payroll procedure with a reasonable time allowance for making a timely return by mail to this court.

....., Clerk
DATE OF ISSUANCE OF SUMMONS

by _____
DEPUTY CLERK

DATE OF DELIVERY OF WRIT OF FIERI FACIAS TO SHERIFF
IF DIFFERENT FROM DATE OF ISSUANCE OF THIS SUMMONS

WRIT OF FIERI FACIAS TO ANY AUTHORIZED OFFICER: You are commanded to execute this writ and to make from the intangible personal estate of the judgment debtor(s) the principal, interest, costs and attorney's fees, less credits, as shown in the Garnishment Summons. You are further commanded to make your return to the clerk's office according to law.
Homestead Exemption Waived? Yes No Cannot be demanded

....., Clerk

by _____
DEPUTY CLERK

.....
DATE

The following statement is not the law but is an interpretation of the law which is intended to assist those who must respond to this garnishment. You may rely on this only for general guidance because the law itself is the final word. (Read the law, § 34-29 of the Code of Virginia, for a full explanation. A copy of § 34-29 is available at the Clerk's office. If you do not understand the law, call a lawyer for help.)

An employer may take as much as 25 percent of an employee's disposable earnings to satisfy this garnishment. But if any employee makes the minimum wage or less for his week's earnings, the employee will ordinarily get to keep 40 times the minimum hourly wage.

But an employer may withhold a different amount of money from that above if:

- (1) The employee must pay child support or spousal support and was ordered to do so by a court procedure or other legal procedure. No more than 65 percent of an employee's earnings may be withheld for support;
- (2) Money is withheld by order of a bankruptcy court; or
- (3) Money is withheld for a tax debt.

"Disposable earnings" means the money an employee makes "after taxes" and after other amounts required by law to be withheld are satisfied. Earnings can be salary, hourly wages, commissions, bonuses, payments to an independent contractor, or otherwise, whether paid directly to the employee or not.

If an employee tries to transfer, assign or in any way give his earnings to another person to avoid the garnishment, it will not be legal; earnings are still earnings.

Financial institutions that receive an employee's paycheck by direct deposit do not have to determine what part of a person's earnings can be garnished.

RECEIVED
..... DATE AND TIME
..... SHERIFF

NOTE:
Return of Writ of Fieri Facias to be used if no effects found – otherwise, use appropriate sections of CC-1477, WRIT OF FIERI FACIAS.

NO EFFECTS FOUND

..... DATE
..... SHERIFF
..... DEPUTY SHERIFF

JUDGMENT DEBTOR
.....
ADDRESS
.....
<input type="checkbox"/> PERSONAL SERVICE
<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
..... SERVING OFFICER for

RETURNS: Each garnishee was served as indicated below, unless not found, with a copy of this summons and the exemption claim form.

GARNISHEE	
.....	
ADDRESS	
.....	
TELEPHONE NUMBER:	
<input type="checkbox"/> PERSONAL SERVICE	<input type="checkbox"/> FEDERAL SERVICE*
SERVICE ON AN ENTITY PURSUANT TO § 8.01-513:	
<input type="checkbox"/> Served on garnishment designee. List name and entity type.	
.....	
.....	
<input type="checkbox"/> Certificate filed indicating inability to serve garnishment designee and describing alternative method of service.	
SERVICE ON AN INDIVIDUAL:	
<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"/> Copy mailed to judgment debtor after serving the garnishee on date of service below unless a different date of mailing is shown.	
.....	
DATE OF MAILING	
<input type="checkbox"/> Not found
SERVING OFFICER	
..... for	
DATE
* Federal law, 5 U.S.C. § 5520a(c)(1) and 42 U.S.C. § 659, provides that a federal agency garnishee may be served either personally or by certified mail, return receipt requested.	