

**Using This Form**

1. Copies
  - a. Original - to serving officer for use in providing proof of service, then to court.
  - b. First copy - to judgment debtor.
  - c. Second copy - to garnishee.
  - d. Third copy - to judgment debtor (mailed by sheriff after garnishee is served).
  - e. Fourth copy - to judgment creditor.
  - f. Additional copies as dictated by local practice.
  
2. Attachments
  - a. CC-1485 - Suggestion for Summons in Garnishment (original only).
  - b. DC-454 - Request for Hearing - Garnishment Exemption Claim (all copies).
  - c. CC-1486 A - Garnishment Statute. This form should be provided by the clerk to the garnishee upon request.
  
3. Preparation details
  - a. Prepared by clerk.
  - b. Form CC-1405 - Proof of Service may accompany this form and is used for proof of service by the serving officer as an alternative to the method described above.
  - c. By using this revised form (which includes Writ of Fieri Facias), the clerk no longer has to prepare a separate CC-1477 - Writ of Fieri Facias, except when requested by plaintiffs seeking to enforce judgments by a levy pursuant to a Writ of Fieri Facias as well as by a Garnishment Summons.
  - d. The Request for Hearing Garnishment Exemption Claim, district court form DC-454 must be attached to all copies of the Summons, without exception.
  - e. Only one garnishee and one judgment debtor may be named in a Garnishment Summons.

**GARNISHMENT SUMMONS**

Commonwealth of Virginia

Case No. 1

2

Circuit Court

3

COURT ADDRESS

JUDGMENT CREDITOR:

JUDGMENT DEBTOR:

4

v.

5

Telephone No. ....

JUDGMENT CREDITOR'S ATTORNEY:

Soc. Sec. No. 7

6

Garnishee: 8

Telephone No. ....

STATEMENT:

Judgment Principal: \$ 10

Credits .....

Interest .....

Judgment Costs .....

Attorney's Fee .....

Garnishment Costs .....

9

HEARING DATE AND TIME

TOTAL BALANCE DUE \$ 10

The garnishee shall rely on this amount.

13

DATE OF JUDGMENT

- 11** { 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,

- 12** { MAXIMUM PORTION OF DISPOSABLE EARNINGS SUBJECT TO GARNISHMENT
- Support
  - 50%  55%  60%  65%
  - (if not specified, then 50%)
  - state taxes, 100%

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.

14

DATE OF ISSUANCE OF SUMMONS

16

\_\_\_\_\_, Clerk

15

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

by 17

DEPUTY CLERK

**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.

**18** Homestead Exemption Waived?  Yes  No  Cannot be demanded

19

DATE

20

\_\_\_\_\_, Clerk

21

by \_\_\_\_\_ DEPUTY CLERK

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.

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

RECEIVED
<b>26</b>
DATE AND TIME
<b>27</b>
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.

JUDGMENT DEBTOR	<b>15</b>
ADDRESS	<b>16</b>

PERSONAL SERVICE

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

	<b>23</b>
	SERVING OFFICER
<b>24</b>	for <b>25</b>

GARNISHEE	<b>1</b>
ADDRESS	<b>2</b>
TELEPHONE NUMBER:	

PERSONAL SERVICE     FEDERAL SERVICE\*

Being unable to make personal service, a copy was delivered in the following manner:

**5**  Served on registered agent of the corporation. List name and title:

**6**  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.

**7**  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.)

**8**  Served on Secretary of the Commonwealth.

**9**  Served on the Clerk of the State Corporation Commission, pursuant to § 8.01-513.

Copy mailed to judgment debtor after serving the garnishee on date of service below unless a different date of mailing is shown.

<input type="checkbox"/> Not found	<b>12</b>
	DATE OF MAILING
<b>13</b>	for <b>14</b>
DATE	SERVING OFFICER

\* 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.

**Data Elements, page 1**

1. Court case number.
2. Court name.
3. Court street address.
4. Name, address, and telephone number of judgment creditor.
5. Name and address of judgment debtor.
6. Name, address, and telephone number of judgment creditor's attorney.
7. Social security number of judgment debtor.
8. Name and address of garnishee.
9. Hearing date and time.
10. List of debits, credits and total balance due on this Garnishment. See Data Elements 12-18 on Form CC-1485.
11. Check the appropriate box.
12. Check the appropriate box indicating maximum portion of disposable earnings subject to garnishment.
13. Date of entry of judgment on which this Garnishment is based. See Data Element 7 on Form CC-1485.
14. Date of issuance of this Summons.
15. Date of delivery of Writ of Fieri Facias to serving officer. Use date in Data Element 14 unless this Summons is issued in connection with an earlier Writ of Fieri Facias, in which case use the date of receipt by sheriff shown on such writ.
16. Signature of clerk if issued by the clerk. If issued by a deputy clerk, print or type the clerk's name.
17. Signature of deputy clerk if issued by a deputy clerk.
18. Check the appropriate box.
19. Date of issuance of the Writ of Fieri Facias.
20. Signature of clerk if issued by clerk. If issued by deputy clerk, print or type clerk's name.
21. Signature of clerk if issued by deputy clerk.

**Data Elements, page 2**

1. Name of garnishee. If the garnishee is a corporation, show name of corporation on second line.
2. Address and telephone number of garnishee.
3. Check this box if personal service obtained. If garnishee is a federal agency, check federal service box if service obtained according to federal service guidelines.
4. Check this box if unable to make personal service.
5. Check this box and complete if served on a corporate garnishee's registered agent. List the name and title of the registered agent.
6. Check this box and complete if served by leaving the summons with a family member over age 16. List name, age and relation of recipient.
7. Check if served by posting on door.
8. Check if served on Secretary of the Commonwealth.
9. Check if served on Clerk of the State Corporation Commission.
10. Check and complete date to show mailing of copy to judgment debtor after garnishee has been served.
11. Check this box if unable to serve process.
12. Signature of serving officer.
13. Date of service.
14. Agency/jurisdiction. Name of sheriff if served by deputy sheriff.
15. Name of judgment debtor.
16. Address of judgment debtor.
17. Check if served personally.
18. Check box this box if unable to make personal service.
19. Check this box and complete if served by leaving the summons with a family member over age 16. List name, age and relation of recipient.
20. Check if served by posting on door.
21. Check if served on the Secretary of the Commonwealth.
22. Check this box if unable to serve process.
23. Signature of serving officer.
24. Date of service.
25. Jurisdiction/agency. Name of sheriff if served by deputy sheriff.
26. Date received by sheriff.
27. Signature of sheriff.
28. Check if applicable.
29. Date of return Service.
30. Signature of sheriff (print or type if return made by deputy sheriff).
31. Signature of deputy sheriff if return made by deputy.