Prince William County Circuit Court
PRACTICE GUIDELINES

Effective as of November 1, 2018

COMMITTEE CHAIR

Hon. Carroll A. Weimer, Jr.

COMMITTEE MEMBERS

Maryse C. Allen
Mark T. Crossland
Charlie Glenn
D. Bradley Marshall
Jillian Richards
Kristina Keech Spitler
Hon. Jacqueline C. Smith

CONTRIBUTORS

Sgt. Tim Angelo
Anna Bristle
Jeanine Calli
Brett A. Callahan
Cassandra M. Chin
Sarah Cohen
Joy Butler
Mirko Merencio
Kendall DiMeglio
Donna M. Dougherty
Sheriff Glendell Hill
Capt. Willie Hardeman
Alissa N. Hudson
David M. Husar
Elizabeth Von Keller

Table of Contents

INTRODUCTION 5

SECTION A: CIRCUIT COURT JUDGES' CHAMBERS PRACTICE GUIDELINES 6

1.00 JUDGES' CHAMBERS OFFICE INFORMATION 6

2.00 JUDGES 6

3.00 COMMUNICATIONS WITH A JUDGE (EX PARTE) 6

4.00 PRETRIAL CONFERENCES 6

SECTION B: CLERK'S OFFICE OVERVIEW 7

1.00 CLERK'S OFFICE INFORMATION 7

2.00 COURT CASE MANAGEMENT SYSTEM (CMS) 7

3.00 CLERK'S OFFICE PUBLIC COMPUTER TERMINALS 7

4.00 PUBLIC SERVICE CENTER 8

SECTION C: PRINCE WILLIAM COUNTY BAR ASSOCIATION, INC. 9

1.00 MISSION STATEMENT 9

2.00 PUBLIC RESOURCES 9

SECTION D: CIVIL PRACTICE GUIDELINES 10

1.00 FILING CIVIL SUITS AND OTHER CIVIL PLEADINGS 10

2.00 SERVICE AND ORDERS OF PUBLICATION 11

3.00 CIVIL MOTIONS 13

4.00 CIVIL PRETRIAL PRACTICE AND PROCEDURES 17

5.00 INCIDENTS OF CIVIL TRIAL 22

6.00 POST-JUDGMENT PROCEEDINGS 25

SECTION E: DOMESTIC RELATIONS PRACTICE GUIDELINES 29

1.00 CONFIDENTIAL INFORMATION AND PROCEDURES FOR COMPLIANCE WITH § 20.121.03 29

2.00 UNCONTESTED *ORE TENUS* PROCEEDINGS 31

3.00 *PENDENTE LITE* HEARING (Va. Code § 20-103) 33

4.00 THE DOMESTIC CASE HEARING 33

5.00 DOMESTIC CASE PRETRIAL SCHEDULING ORDER 36

6.00 SETTLEMENT AND FREE JUDICIAL SETTLEMENT CONFERENCE 36

7.00 GUARDIANS *AD LITEM* 37

8.00 SEMINAR REQUIREMENT IN CONTESTED CUSTODY, VISITATION OR SUPPORT CASES 37

SECTION F: GUARDIANSHIP AND CONSERVATORSHIP FOR INCAPACITATED ADULTS PRACTICE GUIDELINES **38**

1.00 GUARDIANS AND CONSERVATORS 38

2.00 PRIOR TO FILING 38

3.00 SURETY BOND 38

4.00 PETITION 39

5.00 NOTICE OF HEARING AND SERVICE ON THE RESPONDENT 40

6.00 GUARDIAN AD LITEM 40

7.00 COUNSEL 41

8.00 EVALUATION REPORT 41

9.00 HEARING 41

10.00 ORDER OF APPOINTMENT 42

11.00 QUALIFICATION 42

12.00 STANDBY GUARDIAN OR CONSERVATOR FOR INCAPACITATED PERSONS 43

13.00 RESTORATION, MODIFICATION OR TERMINATION 43

SECTION G: CRIMINAL PRACTICE GUIDELINES **44**

1.00 CRIMINAL PROCEDURE 44

2.00 CRIMINAL MOTIONS 45

3.00 GUILTY PLEAS 47

4.00 INCIDENTS OF CRIMINAL TRIAL 48

5.00 EXPUNGEMENT OF CRIMINAL RECORDS 50

6.00 CRIMINAL FORMS 51

SECTION H: PROBATE OFFICE PRACTICE GUIDELINES **53**

1.00 OFFICE INFORMATION 53

2.00 QUALIFICATION OF PERSONAL REPRESENTATIVE 53

3.00 FEES 54

4.00 SURETY BONDS 54

5.00 COMMISSIONERS OF ACCOUNTS 54

SECTION I: LAND RECORDS PRACTICE GUIDELINES **55**

1.00 RESEARCHING A DOCUMENT 55

2.00 RECORDING A DOCUMENT 55

3.00 ONLINE ACCESS TO LAND RECORDS MANAGEMENT SYSTEMS (LRMS) 56

4.00 ADDITIONAL INFORMATION 56
SECTION J: INTERPRETERS 58
1.00 LANGUAGE ACCESS SERVICES 58
2.00 NOTIFICATION REQUIREMENTS 58
3.00 CONTACT INFORMATION 58
SECTION K: COURTROOM TECHNOLOGY 59
1.00 AVAILABLE TECHNOLOGY 59
2.00 CONNECTING YOUR DEVICE 59
3.00 PRESERVING THE RECORD 59
4.00 MISCELLANEOUS INFORMATION 59
SECTION L: SECURITY GUIDELINES 61
1.00 COURTHOUSE SECURITY 61
2.00 PROHIBITED ITEMS 61
3.00 SUSPICIOUS OR UNATTENDED ITEMS 61
4.00 ATTORNEY SECURITY BADGE 62
SECTION M: PRINCE WILLIAM PUBLIC LAW LIBRARY 63
1.00 LAW LIBRARY 63
2.00 LIBRARY RESOURCES 63
SECTION N: RESOURCES 65
1.00 COURT INFORMATION 65
2.00 CODES 65
3.00 LAWYER REFERRAL ORGANIZATIONS 65
4.00 LEGISLATION 65
5.00 VIRGINIA CASE LAW 65
6.00 GENERAL LEGAL RESEARCH LINKS 66
APPENDIX OF FORMS 67

INTRODUCTION

These Guidelines are the result of the collaborative effort of the Prince William Circuit Court, the Prince William Circuit Court Clerk, and the Prince William County Bar Association. We are fortunate that these groups have a unique relationship that enabled them to work together to generate these Guidelines.

Changes in the nature of the practice in Circuit Court and new statutes necessitated review and updating of the old Timesavers Guidelines. It is hoped that these Guidelines provide more information and will be easily amended as changes occur. New sections such as Technology, Security, Library Resources, Interpreters, PWCBA, and Judges' Chambers have been added [and it is expected that more will be added]. The purpose of these Guidelines is to provide counsel and *pro se* parties with a resource to help with practice and participation in the Circuit Court. The guidelines are not intended to provide all of the information needed to handle a case in Court or to conduct other business in the Court. These Guidelines are not, and should not, be misinterpreted as a substitute for the Rules of the Supreme Court of Virginia or the Code of Virginia.

SECTION A

SECTION A: CIRCUIT COURT JUDGES' CHAMBERS PRACTICE GUIDELINES

(Adopted November 2018)

www.pwcgov.org/government/courts/circuit/pages/default.aspx

1.00 JUDGES' CHAMBERS OFFICE INFORMATION

The Circuit Court Judges' Chambers Office is located on the third floor of the Judicial Center. The Chambers Office is open from 8:30 a.m. to 5:00 p.m. Monday through Friday.

2.00 JUDGES

The Honorable Tracy C. Hudson (Chief Judge)

The Honorable Carroll A. Weimer, Jr.

The Honorable Steven S. Smith

The Honorable Kimberly A. Irving

The Honorable James A. Willett

3.00 COMMUNICATIONS WITH A JUDGE (EX PARTE)

Ex parte communication with a judge is strictly prohibited. "Ex Parte" is a Latin phrase meaning "on one side only; by or for one party." An ex parte communication occurs when a party or other individual interested in a case talks with, writes to, or otherwise communicates directly with the judge about issues in a case without the other party's knowledge.

The Rules of the Supreme Court of Virginia do not permit ex parte communication from any party or other interested individual to a judge.

4.00 PRETRIAL CONFERENCES

All counsel must attend the pretrial conference in person unless excused for hardship by a judge of this Court. In all contested domestic relations cases, the parties must also attend the conference in person unless excused for hardship by a judge of this Court. More information on Pretrial Conferences can be found in Section D 4.03 and Section E 5.02.

SECTION B

SECTION B: CLERK'S OFFICE OVERVIEW
(Adopted November 2018)

The following is a general overview of the Circuit Court Clerk's Office, together with tips and suggestions for working with the Court as efficiently as possible. Please feel free to contact this office any time via telephone at 703-792-6015 or via email at circuitcourt@pwcgov.org. Please check www.pwcgov.org/ccourt for the most up to date information. For the fastest weather and closure information, please follow the Clerk's Office on Facebook at www.facebook.com/PWCCircuitCourt and on twitter at www.twitter.com/PWCCircuitCourt.

1.00 CLERK'S OFFICE INFORMATION

The Circuit Court Clerk's Office is located on the third floor of the Judicial Center. The Clerk's Office hours are as follows: Civil Division: 9:30 a.m. to 5:00 p.m. (payments accepted 9:30 a.m. to 4:30 p.m.) Monday through Wednesday and 8:30 a.m. to 5:00 p.m. (payments accepted 8:30 a.m. to 4:30 p.m.) Thursday and Friday, except holidays; Criminal Division: 8:30 a.m. to 5:00 p.m. (payments accepted 8:30 a.m. to 4:30 p.m.) Monday through Friday, except holidays; Land Records Division: 8:30 a.m. to 5:00 p.m. (payments accepted 8:30 a.m. to 4:00 p.m.) Monday through Friday, except holidays; Public Service Center: 8:30 a.m. to 5:00 p.m. (payments accepted 8:30 a.m. to 4:30 p.m.) Monday through Friday, except holidays. Documents must be filed in person, by mail or efiling. Documents may not be filed by fax or by email. Payments are accepted in cash, check, money order and credit card. A surcharge is added for use of credit or debit cards. Please check with Clerk's Office for applicable fees.

2.00 COURT CASE MANAGEMENT SYSTEM (CMS)

Case status and other Circuit Court Case information can be obtained from the Court's Case Management System online at www.courts.state.va.us/caseinfo/home.html#cc. The database can be searched by party name, case number or hearing date. Information inputted into CMS in the Clerk's Office is available online generally within an hour, depending on your internet service provider. Courtroom assignments for hearings are available the evening before the hearing date, although information should be checked on the docket board the day of the hearing.

Complete scanned case files are available on the Clerk's public computers and through the Officer of the Court Remote Access (OCRA). Information about OCRA subscriptions is available at www.pwcgov.org/attorneyaccess.

3.00 CLERK'S OFFICE PUBLIC COMPUTER TERMINALS

Clerk's office public computer terminals are located in the Public Service Center (Room 305), Land Records Division (Room 300), Criminal Division (Room 310), and Civil

Division (Room 314). If you would like assistance with a public computer, please ask a staff member.

4.00 PUBLIC SERVICE CENTER

The Public Service Center of the Clerk's Office is located in room 305 and is open between the hours of 8:30 a.m. and 5:00 p.m. Monday through Friday. Please note, however, that payment is taken until 4:30 p.m. each day. Additional information about the Public Service Center is available on the Clerk's website at www.pwcgov.org/psc.

4.01 Documents Available:

All land records, fictitious names, marriage licenses, Clerk's orders and all closed court case orders are available in the Public Service Center. The fee for obtaining copies of documents from Land Records and the Case Management System is fifty cents (50¢) per page and two dollars ($2.00) for each certification. Payment must be in cash, by check or credit card.

4.02 Other Services:

Notary Public oaths are administered in the Public Service Center. You can find more information about becoming a Notary Public on the Clerk's website at www.pwcgov.org/notary.

The Public Service Center also issues marriage licenses. An appointment is not needed to obtain a license. You can find more information about marriage licenses and legal requirements of marriage and the performance thereof on the Clerk's website at www.pwcgov.org/marriage.

SECTION C

SECTION C: PRINCE WILLIAM COUNTY BAR ASSOCIATION, INC.

(Adopted November 2018)
Information is also available at www.pwcba.org

1.00 MISSION STATEMENT

The mission statement of the PWCBA is, *to maintain the honor and dignity of the practice of law, promote the administration of justice, encourage the professionalism and collegiality of its members, and contribute to the quality of life in the community.* This is accomplished by working with the courts to facilitate the administration of justice in the Thirty-First Judicial Circuit; by sponsoring educational and mentoring programs for members; by sponsoring a number of access to justice initiatives and law related educational programs for the public; and by providing multiple communication venues for members and the public. Visit the PWCBA on-line to learn more about the programs and the benefits of membership.

2.00 PUBLIC RESOURCES

If you have business before the courts and need the services of an attorney, the PWCBA offers a number of programs to help you find an attorney. From the homepage, www.pwcba.org, you use the "Find a Lawyer" feature to select an attorney based on practice area of law. If you would like be referred to an attorney, you can use our Lawyer Referral Service. If you are looking for free or reduced fee legal representation, you will find a number of programs supported by members of the PWCBA in connection with Legal Services of Northern Virginia and ACTS/Turning Points, the local domestic violence crisis center. The PWCBA has also published a number of self-help pamphlets to help you navigate the courts, should you choose to appear in court without an attorney. All these resources and more are available through www.pwcba.org.

SECTION D

SECTION D: CIVIL PRACTICE GUIDELINES
(Adopted November 2018)

1.00 FILING CIVIL SUITS AND OTHER CIVIL PLEADINGS

1.01 Where to File:

All pleadings wherein payment of courts costs or Sheriff's fees accompany the pleading, such as civil suits, requests for alias summons, witness subpoenas, summons for interrogatories, and garnishments, are filed in Room 314 during the Clerk's Office's cashier hours of 9:30 a.m. to 4:30 p.m. M-W and 8:30 a.m. to 4:30 p.m. Th-F. Motions not requiring payment of fees may be filed until 5:00 p.m.

1.02 Civil Action Cover Sheet:

All initial filings should be submitted with a Cover Sheet For Filing Civil Actions (**Appendix Form D-1** Cover Sheet For Filing Civil Actions (Form CC-1416)).

1.03 Signatures and Proof of Filing:

Please verify that all pleadings have been signed by counsel of record and contain the appropriate party addresses. Every pleading, motion or other paper filed shall contain at the foot, the following information of the counsel of record submitting the document: Virginia State Bar Number, office address, telephone number of counsel of record, and any electronic mail (email) and facsimile (fax) number regularly used for business purposes by counsel of record. (Rule 1.4 of the Va. Supreme Court Rules)

It is strongly suggested that an extra copy of each pleading filed in a case be provided to the Clerk at the time of filing so that the Clerk can provide a file-stamped copy to counsel for his/her records. Counsel who file by mail and wish to have a file-stamped copy returned to them must provide a self-addressed stamped envelope with the mailed filing or indicate their "Attorney Box Number" in the filing cabinet in room 305. Please note copies are file-stamped on the back of the last page.

1.04 Filing and Service Fees:

Please note that checks for all filing fees should be made payable to the *Clerk of Circuit Court*. Filing fees are separate and distinct from applicable service fees to the Sheriff, but the Sheriff's service fee may be included in the check made payable to the Clerk of Circuit Court, so that only one check need be provided. Please verify that all checks are signed. The Clerk's Office will accept checks, cash, credit cards, and money orders.

1.05 Assignment of New Cases:

New civil cases are randomly assigned to a judge when they are filed. Subject to availability, the assigned judge hears all motions in the case, enters any agreed orders in the case, and may ultimately be the trial judge if the case continues through to trial. If the assigned judge has heard significant motions in the case or has otherwise been particularly involved in pretrial proceedings, every effort is made to assign that judge for trial.

2.00 SERVICE AND ORDERS OF PUBLICATION

Please note: the following is a general overview of Clerk's Office procedures relating to service of process. Service requirements are statutorily mandated and attorneys should satisfy themselves that all service requirements applicable to any particular case have been met. Information is also available at www.pwcgov.org/civilservice.

2.01 Service of Process Request Form:

If pleadings require service, a Prince William County Service of Process Request Form must also be filed indicating what method of service will be used and the name(s) and address(es) of the person(s) to be served. (**Appendix Form D-2** Prince William County Service of Process Request). Please provide the correct number of service copies, together with a check or checks sufficient to pay all filing and service fees.

2.02 Service by Sheriff in Virginia:

Service by Virginia Sheriff requires an original pleading plus one copy for each defendant to be served. In general, original process to be served by the Sheriff of Prince William County will be forwarded to the Sheriff's Department by the Clerk's Office within 48 hours of the filing of the pleadings. The Clerk's Office also processes any pleadings which must be served by the Sheriff of another county or city in Virginia and forwards the pleadings to the Sheriff of the indicated jurisdiction. The Sheriff's Department Civil Service phone number is 703-792-6070. Service returns are logged in the Sheriff's Office a few days before the Clerk's Office receives them. To determine status access the Sheriff's System at www.pwcgov.org/civildatabase.

2.03 Service by Private Process:

When filing pleadings to be served by private process, the Clerk's Office will notify counsel by phone/e-mail when the process is ready for pick-up.

2.04 Additional Forms of Service:

Service on the Secretary of the Commonwealth requires two copies of the pleading and two copies of the Affidavit for Service of Process on the Secretary of the Commonwealth (**Appendix Form D-3** Affidavit for Service of Process on the Secretary of the Commonwealth (Form CC-1418) and **Appendix Form D-4** for instructions on using this Form).

Service on the Clerk of the State Corporation Commission requires two copies of the pleading along with three copies of the Service of Process, Notice, Order or Demand of the Clerk of the State Corporation Commission as Statutory Agent form (**Appendix Form D-5** Service of Process, Notice, Order or Demand on the Clerk of the State Corporation Commission as Statutory Agent (Form SOP-19.1) and instructions).

Service on Commissioner of DMV requires three copies of the pleading and three copies of an Affidavit of Residency (if affidavit is required) (**Appendix Form D-6** Affidavit for Service of Process on the Virginia Department of Motor Vehicles – Motor Vehicle Accident).

2.05 Checking Service:

The status of service returns can be determined at www.pwcgov.org/caseinfo using the Case Management System (CMS), by attorney access subscription to the case file (Officer of the Court Remote Access "OCRA") or by use of the Clerk's Public Computers, located either in the Public Service Center (Room 305) or Civil section (Room 314). If after viewing the CMS, there are still questions or problems, please send an e-mail to circuitcourt@pwcgov.org or call 703-792-6029. Always include the style of the case and the case number in all communication with the Clerk's Office.

2.06 Alias Summons:

Please remember that when requesting the issuance of an alias summons, the Sheriff's fee, as well as the appropriate number of copies of the pleading to be served, must accompany a copy of the alias summons request.

2.07 Orders of Publication:

An order of publication may be entered when an affidavit is filed alleging certain grounds, including but not limited to: non-residency; inability to determine the Defendant's location after the use of due diligence; or inability of the Sheriff to make service. Counsel should refer to the statutes (Va. Code § 8.01-316, § 8.01-317 and § 8.01-324) to determine whether applicable grounds for such service exist.

Orders of Publication and supporting Affidavits must be prepared by the attorney or *pro se* litigant. The Order and Affidavit are filed with the Clerk, together with a

cover letter advising the Clerk of the newspaper(s) in which the Order is to be advertised. The Clerk then forwards the Order and Affidavit to a judge for review. Upon entry, the Clerk forwards the Order to the requested publication. Information pertaining to fees for publication may be obtained directly from those newspapers. Counsel should arrange payment directly with the newspaper(s) of choice.

Practice Tip: A common source of difficulty and delay involves affidavits which contain only broad, conclusory allegations, but lack sufficient factual allegations to support the conclusions. For example, affidavits alleging "due diligence" are frequently deemed insufficient if they do not allege the specific efforts made to locate the defendant (such as searches of local telephone books, post office mailing addresses, the records of the Department of Motor Vehicles, local utility company records, and the internet). Affidavits should contain specific detail as to efforts made.

Similarly, if non-residency is the ground used for publication, the affidavit must affirmatively state that the defendant is a nonresident and provide the last known address of the defendant *outside of the Commonwealth.* It is not sufficient, for example, for an affidavit to contain a Virginia address as the last known address and yet allege that the defendant is a non-resident because he "no longer resides at that address." Non-residency cannot be assumed from such an allegation (as the defendant may have moved within the state).

Affidavits of non-residency or failure to locate after exercise of due diligence must be filed as required by the Code and must be **signed by a party,** rather than the party's counsel.

Note regarding publication in divorce cases pursuant to Va. Code §§ 20-104 through 20-105.1: Please note that some specific differences exist with respect to Orders of Publication in domestic relations cases. For more specific information on orders of publication in domestic relations cases, please see the Virginia Code.

3.00 CIVIL MOTIONS

The Bench and the Bar strive to promote the highest level of professionalism and civility in all dealings with the Court, counsel, and litigants. Accordingly, motions day protocol is predicated upon courtesy and respect. Counsel who cannot be present in the courtroom at the call of the docket, for instance, should inform opposing counsel and the Court of their whereabouts *before* the call commences. Similarly, opposing parties and their counsel are expected to treat each other with respect at all times. Information regarding civil motions day procedures can also be found at www.pwcgov.org/civilmotions.

3.01 Noticing Civil Motions For Hearing:

Civil motions, except those involving the Commonwealth's Attorney's Office, are heard every Friday at 10:00 a.m. Motions in which the Commonwealth's Attorney

is involved are heard every Friday at 9:00 a.m. Motions can be placed on either docket by filing a Praecipe/Notice along with the Motion in the Civil Section of the Clerk's office (located in Room 314) no later than 5:00 p.m. on the Friday two weeks prior to the motions day sought by counsel. (**Appendix Form D-7** Motion's Day Praecipe/Notice). The opposing side must also be given notice by this time. No motions submitted after the above-referenced deadline may be placed on the docket for the following Friday without prior authorization from a judge. **All motions must comply with Rule 4:15 of the Va. Supreme Court Rules.**

Counsel of record shall make a reasonable effort to confer before giving notice of a motion to resolve the subject of the motion and to determine a mutually agreeable hearing date and time. The notice shall be accompanied by a certification that the movant has in good faith conferred or attempted to confer with other affected parties in an effort to resolve the dispute without court action.

The first page of the Civil Motion's Day Praecipe or Notice must be on yellow paper.

Practice Tip: You may have your personal copy of your motion file stamped on the back by a clerk which can serve as evidence of the date and time your motion was filed.

The Clerk of the Court does not accept faxed or emailed pleadings. No pleadings are accepted by fax or email by the Judges' Chambers.

Practice Tip: If counsel needs to get a courtesy copy of a pleading to Chambers, the original must be filed with the Clerk's office first and the copy for Chambers may be delivered to the Chambers reception area.

3.02 Briefs for Motions:

The Clerk's Office receives frequent questions regarding whether certain motions require briefs or two weeks' notice. The requirements for pretrial motions are set forth in Part 4 of the Virginia Supreme Court Rules. Prince William County has no requirements that differ from or supplement the Virginia Supreme Court Rules.

Counsel are reminded that pursuant to Rule 4:15 of the Va. Supreme Court Rules, briefs filed in support of or in opposition to a motion may not be more than five pages in length unless a judge has authorized a party to file a longer brief.

3.03 Removing or Continuing a Motion:

Motions may be removed or continued by consent of all parties prior to motions day by notifying Chambers at 703-792-6171. In addition, a pleading also must be filed stating the reason(s) for removal and that it is by agreement of all counsel. Without consent of all parties, the request must be made to the Court. If a judge

(as opposed to a party) has put a case on the docket (such as for a Rule to Show Cause), *it may not be removed* without the permission of the judge, regardless of whether or not the parties consent. Regarding removing a trial, please see section on trials.

To place a motion back on the docket after being removed, a new praecipe/notice must be timely filed, even if a new date is announced in Court. If the motion was removed and placed on a new date, please note this in the praecipe/notice. If both parties are in court and the motion is continued, parties should submit an agreed order reflecting the new date.

3.04 Judge and Courtroom Assignments for Civil Motions:

At the time a case is filed, it is randomly assigned to a judge for the purpose of hearing motions. Subject to availability, the assigned judge generally hears all motions in a given case.

On Friday morning, the docket and Courtroom assignments are posted on the third floor television monitors next to the elevators. If you checked the courtroom assignment in advance, check the monitor again the morning of the case as matters may have been transferred.

3.05 Motions Day Schedule and Time Limitations:

Motions day begins at 10:00 a.m. with the Judge calling the docket to obtain time estimates from counsel. Time estimates are used to prioritize cases, with the Court normally taking the shorter motions first. Accordingly, the time estimate given should reflect the total time for both the moving and responding party.

There is a maximum 30-minute time limitation for motions heard on a regular Friday motions day. If a motion will take longer than thirty (30) minutes for the Court to hear, attorneys/*pro se* parties should contact Judges' Chambers at (703) 792-6171 to schedule a date certain for the motion to be heard by the Court. If counsel cannot agree whether a matter can be heard in thirty (30) minutes or less, they should indicate this at the call of the docket and the Court will either grant five (5) minutes for argument to determine whether or not the motion can be heard on the regular docket, or, in its discretion, will direct the litigants to obtain a date certain.

3.06 Motions' Day Orders:

Counsel are strongly encouraged to bring a proposed Order reflecting what that attorney hopes the Judge's ruling will be. If the Judge's ruling is accurately set forth in one of the Orders prepared by counsel in advance, that attorney should present the Order to opposing counsel for endorsement and notation of exceptions. Counsel may negotiate the Order outside the Courtroom in the hallway and then

submit the Order to the Court or through the Judge's deputy in the courtroom. Absent permission from the Judge who conducted the hearing, Orders reflecting the Court's ruling on all motions must be presented to the Judge prior to the Judge going off the bench on the day of the hearing.

When submitting a proposed order for a Judge's signature prior to the hearing, submit just the original. Do not submit any additional copies. A law clerk will review the proposed order.

3.07 Particular Motions:

a. Discovery Motions:

Discovery requests that are subject to a motion to compel or a motion for protective order should be attached to the motion, as provided for in Rule 4:8(c) of the Va. Supreme Court Rules. Counsel are expected to make: 1) a good faith effort to resolve and/or narrow discovery disputes prior to court intervention to the extent possible, as provided for in Rule 4:15 of the Va. Supreme Court Rules, and 2) to make a reasonable effort to agree on the date to have the motion heard.

b. Decrees of Reference/Commissioner in Chancery:

Decrees of Reference do not have to be noticed for hearing on Fridays and may simply be filed if there is an agreement by counsels or a waiver by the defendant setting out the duties of Commissioners in Chancery in the Decree of Reference. If there is no agreement or waiver, the requesting party must place a motion on Motions Day requesting that a Commissioner be appointed. Generally, the Court appoints Commissioners on a rotating basis. However, if circumstances warrant the appointment of a particular commissioner, counsel should explain such circumstances in a cover letter accompanying the Decree of Reference. If a Commissioner is no longer needed in a particular case, the attorney should submit an Order vacating the appointment of the Commissioner. Counsel should also consider attaching an Order for Appointment of Commissioner in Chancery that spells out the responsibilities of the Commissioner in Chancery.

3.08 Emergency Motions:

Counsel should first carefully and objectively determine how urgent a matter actually is before trying to schedule an emergency motion before the Court. As a general rule, an emergency exists only when the passage of time will substantially prejudice one of the parties. If a true emergency requires immediate attention, counsel should contact Judges' Chambers at (703) 792-6171. For ethical as well as practical reasons, all counsel should participate in the communication with Judges' Chambers regarding the matter. Only in very extraordinary circumstances

will the Court entertain a motion without notice or without the moving party having made a reasonable attempt to give notice to all parties to participate in the communication with the court.

4.00 CIVIL PRETRIAL PRACTICE AND PROCEDURES

Information regarding civil trial procedures can also be found at www.pwcgov.org/civiltrial.

4.01 Setting a Case for Trial:

See Rule 1:20 of the Va. Supreme Court Rules.

Cases are set for trial in Prince William County by one of the following methods:

(a) All counsel of record agree to an available trial date and may secure approval of the court by telephone call to Judges' Chambers (703-792-6171) at any time prior to the week preceding the Term Day docket. **Calls must be made by counsel only, and not by secretaries and law clerks.** The trial date must then be confirmed by Praecipe or letter from one of the lawyers to all counsel of record, *pro se* litigants, and the Court. If the parties to an action are both *pro se (without counsel)*, trial dates must be set either on a Term Day or on a Motions Day, and both parties must attend that hearing.

(b) All counsel of record may agree to a trial date as a part of a Pretrial Scheduling Order in coordination with Judges' Chambers which is submitted to the court for approval pursuant to Rule 1:18 of the Va. Supreme Court Rules.

(c) The court may, at the request of counsel of record, or may at its own discretion, direct counsel of record to appear, in person or by telephone, for a conference to set a trial date and consider other matters set forth in Rules 1:19 or 4:13 of the Va. Supreme Court Rules.

(d) Counsel may place the matter on the Court's regularly scheduled Civil Term Day docket. Prince William County holds Civil Term Day on the first Tuesday after the first Monday of every month, at 2:00 p.m. To place a case on the Civil Term Day Docket, a Term Day Praecipe (**Appendix Form D-8** Civil Term Day Praecipe) must be filed with the Court (and all parties must be properly noticed) by the Tuesday preceding the Term Day. At Term Day, counsel must be prepared to inform the Court of the anticipated number of days for trial and whether a jury is requested.

(e) Counsel may place the matter on a regular Motion's Day Docket for the purpose of scheduling a trial date.

Dispositive motions such as pleas in bar and demurrers must be resolved prior to setting the matter for trial.

Counsel is encouraged to schedule a trial date in a timely fashion. It is expected that trial dates will be set **within one year** of the filing date.

Continuances of trial dates are discouraged and will be granted only for good cause shown. Continuances **CANNOT** be accomplished solely by agreement of counsel. **Counsel must seek a Judge's approval for a continuance.** If permission for a continuance is granted, an agreed order granting the continuance should be submitted for that judge's signature immediately.

4.02 Pretrial Scheduling Orders:

Prince William County practice with regard to Pretrial Scheduling Orders is in accordance with Part 1 of the Virginia Supreme Court Rules. In addition, pursuant to Court Order dated November 29, 2017 (**Appendix Form D-9** Standing Order Establishing Procedures for Entry of Pretrial Scheduling Orders and Setting Pretrial Conferences in Certain Cases) contemporaneously with the setting of the trial date, a Prince William Pretrial Scheduling Order shall be entered pursuant to Rule 1:18 of the Va. Supreme Court Rules in every civil case set for trial by jury and in all contested domestic relations cases. (**Appendix Form D-10** Uniform Pretrial Scheduling Order for Civil Cases and **Appendix Form D-11** Prince William Uniform Pretrial Scheduling Order in Eminent Domain Proceedings). A Pretrial Conference to be held pursuant to Rules 1:19 and 4:13 of the Va. Supreme Court Rules will be scheduled in all such cases at the time the Pretrial Scheduling Order is entered. A Pretrial Scheduling Order may be entered and a Pretrial Conference may be scheduled in any other case in the discretion of the Court. Pretrial Scheduling Orders are encouraged in order to facilitate mutual agreement and understanding concerning timeframes and the orderly progression of cases. Counsel may submit consent orders concerning scheduling matters or request the Court to enter a scheduling order by motion

With the exception of domestic relations and eminent domain cases, a court may not enter a scheduling order which deviates from the terms of the Prince William Uniform Pretrial Scheduling Order unless either (1) counsel of record for all parties agree to different provisions, or (2) the court, after providing an opportunity for counsel of record to be heard, makes a finding that the scheduling order contained in the Appendix is not consistent with the efficient and orderly administration of justice under the specific circumstances of that case.

Pretrial Scheduling Orders in Domestic Relations cases are discussed at Section C.

4.03 Pretrial Conferences and Stipulations:

Pursuant to Court Order dated November 29, 2017 (**Appendix Form D-9** Standing Order Establishing Procedures for Entry of Pretrial Scheduling Orders and Setting Pretrial Conferences in Certain Cases), in every civil case set for trial by jury and in all contested domestic relations cases, a Pretrial Conference to be held pursuant

to Rules 1:19 and 4:13 of the Va. Supreme Court Rules will be scheduled at the time the Pretrial Scheduling Order is entered. The Pretrial Conference shall be held approximately 30 - 45 days before trial.

Pursuant to the November 29, 2017 Court Order, the following rules apply to all Pretrial Conferences:

> All counsel shall attend the Pretrial Conference in person unless excused for hardship by a judge of this court. In all contested domestic relations cases, the parties shall also attend the conference unless excused for hardship by a judge of this court. Any request to be excused from attending the conference for hardship must be made in writing explaining the reasons for the request and filed with the court at least 10 days in advance of the conference with a courtesy copy to Judges' Chambers. A judge will enter an order granting or denying the request. If the request is granted, the order will require counsel and/or the party to appear by telephone at the conference.
>
> At the Pretrial Conference, counsel and any *pro se* parties shall be prepared to address those items listed in Rules 1:19 and 4:13 of the Va. Supreme Court Rules and in the Pretrial Conference Agenda attached to the Court Order. (**Appendix Form D-9** Standing Order Establishing Procedures for Entry of Pretrial Scheduling Orders and Setting Pretrial Conferences in Certain Cases).

In all other cases, upon motion, pretrial conferences may be granted at the Court's discretion, pursuant to Rule 4:13 of the Va. Supreme Court Rules.

Additionally, counsel are encouraged to communicate before trial for the purpose of streamlining the trial, by considering, among other things, what stipulations can be made. Generally, stipulations may be agreed upon as to any matter of fact, law or procedure relevant to the issues to be raised at trial. Preferably, all stipulations should be in writing.

4.04 Discovery:

Discovery is to be conducted in accordance with the Virginia Supreme Court Rules. Accordingly, neither discovery requests nor objections and responses are to be filed with the Court, except as attachments to motions thereon.

Non-party deponents who are not willing to voluntarily appear for depositions must be subpoenaed to their depositions. Virginia has adopted the Uniform Foreign Depositions Act. Va. Code §8.01-411, which can be utilized to compel the production of out-of-state evidence.

4.05 Civil Witness and Document Subpoenas:

Information regarding civil witness and document subpoenas can also be found at *www.pwcgov.org/civilsubpoena*. Counsel should also consult the Virginia Code and applicable rules for specific information relating to subpoenas.

a. Clerk Issued Subpoenas:

See Rule 4:9A of the Va. Supreme Court Rules

Requests for witness subpoenas (whether for trial or deposition) and document subpoenas (subpoena duces tecum) may be made by praecipe or letter filed with the Clerk, in the Clerk's Office (Room 314). Information provided must include the case style, witness(s) name and address(s), and date and time of trial or deposition. Similarly, *subpoenas duces tecum* can be issued by the Clerk upon written request. A specific list of documents being requested must be provided. *Subpoenas Duces Tecum* must have original plus two copies for each individual to be served. Attorneys are encouraged to issue subpoenas.

b. Attorney-Issued Subpoenas:

See Rule 4:9A of the Va. Supreme Court Rules and Va. Code § 8.01-407

Many civil witness and document subpoenas may also be attorney-issued in compliance with the provisions of the Virginia Code and the Virginia Supreme Court Rules. An attorney-issued summons must be on a form approved by the Virginia Supreme Court (**Appendix Form D-12** Subpoena for Witness (Civil) Attorney Issued (Form DC-497) and **Appendix Form D-13** for instructions on using this Form) (**Appendix Form D-14** Subpoena Duces Tecum (Civil) Attorney Issued (Form DC-498) and **Appendix Form D-15** for instructions on using this Form).

NOTE: Regarding Medical Records there are special procedures for issuance of subpoena duces tecum to a health care entity for medical records in order to comply with both federal and state law (See Rule 4:9A(e) of the Va. Supreme Court Rules). Special notice is required to the individual whose health care records are being sought (**Appendix Form D-16** Notice to Individual – Subpoena Duces Tecum for Health Records (Form DC-348) and **Appendix Form D-17** for instructions regarding this Form) and notice to the health care entities (**Appendix Form D-18** Notice to Health Care Entities – Subpoena Duces Tecum for Health Records (Form DC-350) and **Appendix Form D-19** for instructions regarding this Form).

A copy of the summons (and, if summoned by the Sheriff, all service fees) must be mailed or delivered to the Clerk's Office on the date of issuance by

the attorney, together with a certificate of service. Attorney-issued subpoenas being transmitted by Sheriff's Service must be accompanied by a transmittal sheet containing all pertinent information.

c. Timing:

Attorneys are encouraged to file witness and document subpoenas as far in advance of the hearing date as possible. While the Clerk's Office makes every effort to process requests as expeditiously as possible, as a practical matter, witnesses must be given reasonable notice. This requires advance planning on the part of the requesting party.

Pursuant to Va. Code § 8.01-407, when any witness subpoena is served less than five calendar days before appearance is required, the court may, after considering all of the circumstances, refuse to enforce the subpoena for lack of adequate notice.

Counsel requesting a subpoena duces tecum must allow at least 14 days after the service of the subpoena for compliance or it will be subject to objection for not being timely served. (See Rule 4:9(A)(a)(2) of the Va. Supreme Court Rules.)

Please take into consideration that the paperwork for subpoenas to be served outside of Prince William County must be forwarded to the appropriate jurisdiction and then go through whatever procedures the Sheriff's Department in the foreign jurisdiction employs. As such, service outside of Prince William County almost certainly takes more time than service within the County. Counsel should plan accordingly.

d. Fees:

The Clerk's fee for clerk issued subpoenas is currently $5.00 each. Additionally, the Sheriff's fee of $12.00 for each service should also be included. If the subpoena is to be served by private process, please note this with the subpoena request at the time it is filed.

e. Status of Subpoena Requests:

The status of service can be determined via Internet www.pwcgov.org/caseinfo using the Case Management System (CMS), by attorney access subscription to the case file (Officer of the Court Remote Access "OCRA") or by use of the Clerk's Public Computers, located either in the Public Service Center (Room 305) or Civil section (Room 314). If after viewing the CMS, there are still questions or problems, please send an e-mail to circuitcourt@pwcgov.org or call 703-792-6029. Always include the style of the case and the case number in all communication with the Clerk's Office.

4.06 Time Estimates:

Counsel are required to email or call Judges' Chambers at least three (3) days before trial to provide an estimate of the time necessary for trial and confirming that a jury, if one was previously requested, is still required. The day before trial, Counsel shall call to confirm the time estimate. It is essential that Counsel provide these time estimates to Chambers. The number reserved for this purpose is 703-792-6013 (This is not a general number for use in calling Chambers, but rather reserved for this purpose only). Counsel who know they will be unavailable on the day prior to trial should arrange for staff to provide time estimate information to Chambers.

Cases are assigned to judges on the afternoon preceding the trial based on availability and counsel's time estimates. Make every effort to provide an accurate time estimate. Failure to provide an accurate time estimate can severely disrupt the court's schedule and may result in the rest of the case being continued to a date several weeks or months later. If Chambers does not know the time estimate and the docket is full, the Judge may continue the case or assign the case as a hold case that will be heard as soon as a Judge becomes available.

4.07 Settlement and Free Judicial Settlement Conference:

Counsel are encouraged to conduct settlement negotiations in advance of the trial date. Sitting judges may assist in settlement discussions if requested and some will invite discussions on their own either immediately prior to trial or during trial.

Parties may also avail themselves of the Virginia Supreme Court's judicial settlement conference program, which is free to litigants. A list of retired judges participating in this program is posted on the Virginia Supreme Court's website at http://www.courts.state.va.us/courtadmin/aoc/djs/programs/jsc/jsc_judges.html. Identify the judicial conference program judge you wish to schedule and obtain that judge's contact information from the circuit court clerk's office. Coordinate a date with the judge and opposing counsel. Then submit an agreed order to Judges' Chambers. In the event one party is *pro se*, certain judges will not proceed.

When a case settles in advance of trial, it is both parties' responsibility to inform Chambers at 703-792-6171 and all witnesses as soon as possible thereafter. Revised time estimates should be called in to this number in event of a partial settlement or complete settlement when counsel wishes to appear solely to make a record of settlement agreement.

5.00 INCIDENTS OF CIVIL TRIAL

5.01 Court Reporters:

The Court does not provide a court reporter for any civil matters. The Court, in its discretion, may require a court reporter in any civil case. The court requires a court

reporter in every civil case set for trial by jury and in all contested domestic relations cases. In the event no party has provided for a court reporter, the Court may in its discretion require that the hearing be postponed until a court reporter is provided. The litigant who is required to or chooses to hire a court reporter must make the appropriate arrangements with a court reporting service and bears the cost thereof absent an agreement or order to the contrary. Parties interested in making a contemporaneous record of the proceedings are highly encouraged to obtain a court reporter, as recollections often differ or are incomplete.

In the event the Court approves, in advance of the hearing, the recording of the proceedings by mechanical or electronic device rather than by court reporter, the party or counsel who has furnished the device will be designated as the person responsible for reporting and recording the proceedings, and for preserving the original records thereof, as provided in Va. Code § 17.1-128. The original records shall remain subject to further order of the Court.

The Court may enter further order regarding allocation of costs and responsibilities with respect to recording proceedings and transcription of recordings.

5.02 Jury Panel Information:

The pre-panel jury list is available from the Jury Clerk in the Jury Assembly Room, and can be requested three (3) full business days before trial. Information thereon shall include the name, age, address, occupation and employer of each person on the panel. Information regarding the particular panel assigned to a case will be available on the morning of trial. See Va. Code § 8.01-353.

For further information, contact the Deputy Clerk in charge of juries and panel information at 703-792-6047.

5.03 Hold Cases:

Cases being placed "on hold" are posted as "UNA" on the docket board. Hold cases are called as judges become available. You are requested to wait in the hallway outside for your case to be called.

5.04 Presentation of Evidence:

a. Electronic Devices, Weapons and Items which are normally not permitted in the Courthouse. *See* Section I on Technology and Section J on Security:

Pursuant to Court Order dated December 17, 2004, (**Appendix Form D-20** Court Order: Relating to Photographic and Similar Equipment) use of cell phones (including cell phones with camera capability), video cameras, photographic, video recording or similar equipment is prohibited inside the Judicial Center without Court authorization. Photographic equipment may

be utilized for weddings held in the Judicial Center provided the ceremony has been scheduled in advance with the Clerk of the Circuit Court. If such equipment is needed for a motion or trial, call the Sheriff's office in advance to obtain court approval.

b. Counsel Table:

The Plaintiff should use the counsel table closest to the jury box.

c. Standing and Use of Lectern:

Always stand when addressing the Court. Always speak from directly behind the lectern unless making an objection or unless given permission by the judge to do otherwise. Ask permission of the judge to approach a witness, the jury or the bench.

d- Exhibits:

Prior to trial or during a break, counsel may tender exhibits to the clerk for marking. Counsel should refer to the exhibit number when showing an exhibit to a witness.

e. Deposition Testimony:

If evidence is to be provided by deposition, counsel should prepare a copy of the relevant portion of the transcript prior to trial by indicating thereon the testimony to be read. The Court Clerk or Law Clerk will read the section so indicated. For video depositions, obtain rulings on objections in advance of trial and prepare a clean copy of the video to show to the jury. See Rule 1:18 and 4:7 of the Va. Supreme Court Rules. Prior to trial, Counsel are encouraged to review the Rules of the Virginia Supreme Court, as amended, concerning the use of depositions.

f. Views:

Counsel, as far in advance as practicable, who intend to request that a jury or judge view a scene should file a motion to be heard not less than fourteen (14) days before trial so that appropriate arrangements can be made by the Sheriff's Department or the Court.

g. Jury Instructions:

The Court encourages counsel to refer to the publication *"Model Jury Instructions"* for drafting assistance. Proposed instructions will be exchanged at least two (2) days before trial with opposing counsel in accordance with the Uniform Pretrial Scheduling Order. Instructions

should be prepared on 8 1/2" X 11" paper with the plaintiff *numbering* its instructions and the defendant *lettering* its instructions. Counsel should provide the Court with two sets of proposed instructions: one with supporting citations, which should also be provided to opposing counsel, and one without citations to be given to the jury.

h. Trial Briefs:

The Court generally does not require trial briefs. Best practice is to submit trial briefs well in advance. Counsel who intend to cite unusual case law may wish to make copies of the case(s) to provide to the Court and the other parties.

5.05 Obtaining/Receiving a Copy of a Signed Final Order:

One certified copy of the final order is provided free of charge only to the plaintiff's attorney or the *pro se* plaintiff and to the defendant's attorney or the *pro se* defendant, which will be sent by email. To obtain an additional copy of the final order, attach a self-addressed stamped envelope to the proposed order or go to Room 314 of the Clerk's Office. All other copies are fifty cents ($.50) per page. Certifications are additional $2.00 per document.

6.00 POST-JUDGMENT PROCEEDINGS

6.01 Garnishments:

Information regarding garnishments can also be found at www.pwcgov.org/garnishment and Va. Code § 8.01-466, § 8.01-511 et seq., § 8.01-296 et seq., and § 20-78.1. Note that federal law may pre-empt, in certain circumstances, the state garnishment process.

a. Garnishments cannot be issued unless the underlying judgment has been docketed with the Circuit Court Clerk for at least twenty-one days or at least twenty-one (21) days have passed since entry of the Circuit Court final order. Information on the garnishment forms must match the information on the judgment or final order, including the names of the judgment creditors and debtors.

b. All garnishments should be filed in Room 314. Garnishments are treated as new actions at law and will receive a new civil case number. Accordingly, a Civil Case Cover Sheet (**Appendix Form D-1** Cover Sheet for Filing Civil Actions (Form CC-1416)) must accompany a garnishment. *See* Section 1.02. A check made payable to the Clerk of Circuit Court for applicable filing and service fees must be provided when filing the above documents.

c. For each garnishment, the party must file an original and five copies of the:

1. Suggestion For Summons in Garnishment (Form CC-1485) (**Appendix Form D-21** and **Appendix Form D-22** for instructions on using this Form);
2. Garnishment Summons (Form CC-1486) (**Appendix Form D-23** and **Appendix Form D-24** for instructions on using this Form);
3. Garnishee Information Sheet (Form DC-455) (**Appendix Form D-25**);
4. Garnishee's Answer (Form DC-456) (**Appendix Form D-26** and **Appendix Form D-27** for instructions on using this Form); and
5. Notice to Judgment Debtor – How to Claim Exemptions from Garnishment and Request for Hearing - Garnishment/Lien Exemption Claim (Form DC-454) (**Appendix Form D-28** and **Appendix Form D-29** for instructions on using this Form).

When a garnishment is filed, counsel and the clerk will specify a return date on a Friday's Motions Day, between thirty (30) and ninety (90) days from the filing date of the garnishment or between thirty (30) and one hundred and eighty (180) days in the case of a wage garnishment.

d. The creditor or their counsel shall prepare, as appropriate, an Order for Payment (**Appendix Form D-30** Order for Payment), an Order of Dismissal, or a Show Cause Order for presentation at the initial return or submission within a reasonable time thereafter as directed by the Court.

6.02 Post-Judgment Interrogatories:

Information regarding Debtor Interrogatories can also be found at www.pwcgov.org/interrogatories and Va. Code § 8.01-506 et seq. and § 8.01-296 et seq.

a. For post-judgment interrogatories, counsel should file, in Room 314, an original and two copies of the Summons to Answer Interrogatories form (which includes a certificate stating the creditor has not proceeded against the defendant within the last six (6) months in accordance with Va. Code § 8.01-506) (**Appendix Form D-31** Summons to Answer Interrogatories (Form CC-1481)), the Notice to Debtor – How to Claim Exemptions and Request for Hearing - Exemption Claim (**Appendix Form D-32** Notice to Debtor – How to Claim Exemptions and Request for Hearing – Exemption Claim (Form DC-407) and **Appendix Form D-33** for instructions on using this Form), and an original and two copies of a list of documents, if production of documents is required (subpoena duces tecum) *for each service requested.* Information on the interrogatory forms must match the information on the judgment or final order, including the names of the

judgment creditors and debtors, and must include the book and page number or instrument number of the underlying judgment.

b. A check made payable to the Clerk of Circuit Court for applicable filing and service fees must be provided when filing the above documents. An additional Clerk's fee and additional Sherriff's service fee, per request, are required if you file an accompanying subpoena duces tecum.

c. Counsel may schedule the matter on a Friday's Motions Day at 10:00 a.m. with appropriate notice. Counsel who choose to have a Commissioner appointed should submit a decree of reference prior to filing a request for issuance of the summons. Counsel who choose to have a Commissioner must comply with Va. Code § 8.01-607.

d. Counsel who desire to have a written transcript of post-judgment interrogatories must make the necessary arrangements to engage a court reporter.

6.03 Recording and Releasing Judgments:

Information regarding recording and releasing judgments can also be found at http://www.pwcgov.org/government/courts/circuit/Pages/Judgments.aspx.

a. Pursuant to Virginia law, all judgments entered in the Circuit Court of Prince William County are automatically recorded in the judgment index.

b. To record a judgment from another Virginia jurisdiction or from the Prince William County General District Court, present an abstract of the judgment along with the filing fee of $15 as date of this publication to the Clerk in Room 300.

c. To record an out-of-state judgment, present a triple seal (3 signatures, one of which is a judge's signature) certified copy or abstract of the judgment (obtained from the Court where the judgment was entered), an affidavit signed and notarized by the Plaintiff or Plaintiff's counsel, stating the last known address of the Plaintiff and Defendant, and the appropriate filing fee to the Clerk in room 300. The process for domesticating an out-of-state judgment is set forth in the Virginia Code.

d. To obtain an abstract of a Prince William County judgment under triple seal, present the request therefore and the appropriate fee to the Clerk in Room 300. A stamped, self-addressed envelope is required so that the Clerk can return the triple seal to the attorney's office once it has been prepared. Generally, the Clerk's Office provides triple seal abstracts within 7 business days of the request.

e. To release a judgment previously docketed, complete the Authorization for Entry of Satisfaction of Judgment and/or Release of Judgment Lien (**Appendix Form D-34** Authorization for Entry of Satisfaction of Judgment and/or Release of Judgment Lien (Form CC-1463) and **Appendix Form D-35** for instructions on using this Form) signed by the judgment creditor or his counsel and file it in Room 300. If the form or Praecipe is signed by a person other than an attorney, the signature of the judgment creditor must be notarized.

f. Levies and writs are requested by letter or Praecipe. A certified copy of the judgment must be attached. The clerk will prepare the writ. Court fees are available online. The Sheriff's fee is additional. Counsel who have special instructions or wish to have the Sheriff levy on specific goods should prepare a separate letter to the Sheriff to be forwarded with the levy. NOTE: Requests for levies from state agencies and foreign levies are processed in the Land Records Office, Room 300.

6.04 Bonds:

a. If a cash bond or surety bond was posted as a condition of appeal from a lower court or to a higher court, the final order must contain disbursement instructions to the Clerk's Office.

b. Cash bonds not disbursed in a final order are subject to escheat to the state.

SECTION E

SECTION E: DOMESTIC RELATIONS PRACTICE GUIDELINES
(PROCEDURES FOR DIVORCE, SPOUSAL SUPPORT, CUSTODY, VISITATION, CHILD SUPPORT AND EQUITABLE DISTRIBUTION CASES)

(Adopted November, 2018)

1.00 CONFIDENTIAL INFORMATION AND PROCEDURES FOR COMPLIANCE WITH § 20.121.03

1.01 Counsel and any party not represented by counsel is responsible for compliance with Va. Code § 20-121.03: Identifying information confidential; separate addendum:

Any petition, pleading, motion, order, or decree filed under this chapter, including any agreements of the parties or transcripts, shall not contain the social security number of any party or of any minor child of any party, or any information of any party that provides identifying account numbers for specific assets, liabilities, accounts, or credit cards. Such information if required by law to be provided to a governmental agency or required to be recorded for the benefit or convenience of the parties, shall be contained in a separate Addendum filed by the attorney or party. Such separate Addendum shall be used to distribute the information only as required by law. Such Addendum shall otherwise be made available only to the parties, their attorneys, and to such other persons as the Court in its discretion may allow. The attorney or party who prepares or submits a petition, pleading, motion, agreement, order, or decree shall ensure that any information protected pursuant to this section is removed prior to filing with the clerk

*The Addendum may be in the form suggested by the Supreme Court and should be filed with a pink coversheet stating that it is a Private Addendum. The Private Addendum may also contain other information or documents as ordered by the Court (***Appendix Form E-1** Addendum for Protected Identifying Information – Confidential (Form CC-1426)).

1.02 Procedures to comply with Va. Code § 20-121.03:

a. Complaint for Divorce:

The Complaint should NOT identify any party's social security number. The Code does not require that the social security number of a party be placed in the Complaint; therefore, the social security is not "required by law" pursuant to § 20-121.03. If a Complaint does contain an improper social security number, the party shall file a motion to amend the Complaint. When such motion is granted, the amended Complaint (without the SSN) will be placed in the Court's file as a public record. The original Complaint (with the SSN) shall be placed into the separate Addendum.

b. Property Settlement Agreement (PSA):

1. *PSA To Be Incorporated*: If the parties have a PSA and wish to incorporate the PSA into an Order or into the Final Decree of Divorce, the original PSA must be submitted to the Court. If the PSA contains information prohibited by § 20-121.03, then the Order/FDD should state that the PSA is being incorporated but the original PSA is being placed in the separate Addendum due to the confidential information. The attorney, at his/her option, may also redact the prohibited information from the original PSA before submission. Such redaction **must** be initialed by both parties.

2. *PSA Not To Be Incorporated*: If the parties have a PSA and do not wish to incorporate the PSA, the PSA should still be referenced in the Final Decree of Divorce without incorporating it. If the PSA is not to be incorporated, the original PSA need not be submitted to the Court unless the divorce is based on the grounds of a six month separation.

3. *Divorce Based on a Six Month Separation*: If the parties intend to file for divorce based on a six month separation, the parties must: 1) have no minor children and 2) have a PSA. Therefore, even if the parties are not seeking to incorporate the PSA, the parties must still submit to the Court either the original, if the PSA is to be incorporated, or a copy, if the PSA is not to be incorporated, of the PSA.

4. *No Identifying Information in PSA*: If the PSA does not contain any confidential identifying information prohibited by § 20-121.03, the original PSA may be submitted to the Court without the necessity of a separate Private Addendum.

c. Final Decree of Divorce (FDD):

The Code requires that all FDDs shall contain the social security number (SSN) **OR** driver's license number (DLN) of a party (*see* § 20-91). It is strongly suggested that if the party has a DLN, such number should be used in lieu of the SSN. If the parties will be using their SSNs, the FDD will need to reference the SSNs and state that the numbers are contained in the separate Private Addendum.

1. *Party Does Not Have a DLN*: If the party does not have a DLN, such party must provide his/her SSN to be placed in the separate Private Addendum.

2. *Party Does Have a DLN*: If the party does have a DLN, the FDD can be submitted using such party's DLN without the necessity of the separate Addendum. However, such FDD must not contain any other confidential identifying information prohibited by § 20-121.03. If such FDD does contain other confidential identifying information, even if the party is using

his/her DLN, such confidential information shall be placed in the separate Addendum.

d. Transcripts, affidavits:

Pursuant to § 20-121.03, transcripts and affidavits are included in the list of items that are prohibited from containing confidential identifying information. The attorneys are responsible for making sure that such confidential information is not placed in the public file.

e. QDRO:

Pursuant to § 20-121.03, a Qualified Domestic Relations Order (QDRO), because it is an Order of the Court, is included in the list of items that are prohibited from containing confidential identifying information. Because all QDROs contain confidential identifying information, such information shall be submitted by a separate Private Addendum.

f. Pendente Lite Orders:

Pursuant to § 20-121.03, any Order entered by the Court is prohibited from containing confidential identifying information. If the Order is required to contain the confidential identifying information, the party must submit the information by a separate Private Addendum.

g. Exhibits:

Exhibits, whether offered during or before trial, are not covered by the statute because they are not "a petition, pleading, motion, order, or decree". However, if an exhibit contains such confidential identifying information, the information should be redacted or the exhibit should be placed in the Private Addendum envelope. It is the attorney's responsibility to ensure that this is done.

2.00 UNCONTESTED *ORE TENUS* PROCEEDINGS (Including the Thursday 9:00 a.m. *Ore Tenus* Docket)

This is a program of the Circuit Court to accommodate the prompt resolution of uncontested divorces. All contested divorce cases need to be set on a date certain.

2.01 Prerequisites:

Ore tenus divorce hearings will be heard every Thursday at 9:00 a.m. Parties to an uncontested divorce may proceed *ore tenus* on the Thursday 9:00 a.m. docket if the only testimony that will be presented are the grounds of divorce. To be placed on the Thursday 9:00 a.m. *ore tenus* docket, the party must comply with all of the following requirements:

a. The Defendant must have accepted service of process after receiving the Complaint or must have been properly served pursuant to § 8.01-296.

b. The Defendant must have executed a proper waiver of notice *or* the Defendant or his attorney must have endorsed the FDD or the Defendant was served by order of publication or by personal service and did not answer within twenty-one (21) days. If there is not a waiver or endorsement of the FDD, the Complainant must give notice for a Friday motions day to set a date.

c. The Complainant must submit a written request asking the Court to place the case on the Thursday 9:00 a.m. *ore tenus* docket.

d. The parties must have resolved all issues, i.e., spousal support, child support/custody, and property distribution, whether by a PSA or other agreement unless there has been no response by the Defendant such as in the case of service on the Defendant by an Order of Publication, in which case the only relief available will be the divorce itself.

e. The Final Decree of Divorce, VS-4 form, and Private Addendum, if necessary, must be submitted for review by a law clerk at the time of the request for an *ore tenus* hearing.

2.02 Procedures:

a. The Defendant or his attorney should submit all required documents, i.e., the Acceptance/Waiver (if there is one), the PSA (if there is one), the written request for *ore tenus*, and the Final Decree of Divorce and VS-4 form to the Clerk of Court.

b. The file will be reviewed by a law clerk to ensure that the file is ready for *ore tenus*.

c. Once the law clerk has reviewed the file and approves it for *ore tenus*, a scheduling clerk from Chambers will contact the Complainant or his attorney to schedule a hearing date. If the Defendant has not waived notice nor endorsed the FDD, the Defendant will need to be served notice of a Friday Motion's docket hearing date to set an *ore tenus* hearing.

d. *Ore tenus* hearings are held every Thursday at 9:00 a.m. At the hearing, the Complainant must bring a witness (other than the spouse) who has knowledge to corroborate the facts and circumstances of the marriage and separation. The Defendant may attend but does not need to attend the hearing. A court reporter is not required.

2.03 Divorce by Deposition or Affidavit:

a. Virginia Code § 20-106 provides for submitting evidence by deposition or by affidavit in certain limited circumstances.

b. Counsel wishing to proceed by deposition or by affidavit are responsible first to be sure the case is one meeting the threshold requirements of § 20-106(A), and second to be sure all necessary evidence is included.

3.00 *PENDENTE LITE* HEARING (Va. Code § 20-103)

3.01 General Procedure:

It is the policy of this court to hear no more than one *pendente lite* hearing in a divorce case. The maximum time limit for a *pendente lite* hearing is two hours. A date certain may be obtained by agreement of the parties through Judges' Chambers or a motion to obtain a date certain may be noticed for any Friday at 10:00 a.m. at which time the parties can obtain a date from the Court or the clerk in Judges' Chambers.

The moving party is advised to bring a court reporter to the *pendente lite* hearing.

3.02 Emergency Motions:

True emergencies needing court resolution are rare. Where a party requires injunctive relief otherwise irreparable harm may result, a child may be taken to a jurisdiction beyond the reach of the court or a child's safety is at issue and the Department of Social Services or law enforcement are not sufficient resources to address the emergency, the court may docket a motion on short notice. If a true emergency requires immediate attention, counsel should contact Judges' Chambers at (703) 792-6171. For ethical as well as practical reasons, all counsel should participate in the communication with Judge's Chambers regarding the matter. Only in very extraordinary circumstances will the Court entertain a motion without notice or without the moving party having made a reasonable attempt to give notice to all parties to participate in the communication with the court.

4.00 THE DOMESTIC CASE HEARING

In the event the parties do not have a PSA and are not able to get on the regular Thursday Ore Tenus Docket or proceed by affidavit, the parties will need to request a Domestic Case hearing to be heard on the grounds of divorce and/or other issues. These hearings will involve grounds of divorce that may be either contested or uncontested. They may or may not involve equitable distribution, custody, visitation or support issues. However, the hearing on grounds of divorce shall NOT be separated from the hearing on other domestic relations issues, if there is one, unless ordered by the Court. A court reporter is needed for all contested domestic cases, which include contested grounds of divorce, equitable distribution, custody, visitation, and support issues.

4.01 Domestic Case Hearing Scheduled:

If a Domestic Case hearing is currently scheduled or will be scheduled, the parties will present an *ore tenus* hearing on the grounds of divorce *on the same day* as the Domestic Case hearing whether such grounds are contested or uncontested. However, should the grounds of divorce be contested and counsel expects to call several witnesses, counsel should be prepared to schedule a hearing for more than one day. This hearing date may be set on Term Day, by agreement of counsel through Chambers or on motion by either counsel.

a. By Agreement:

If the parties are in agreement on a date, the parties may call Chambers and schedule such hearing for a date certain to be heard on the grounds of divorce and all domestic relations issues.

b. On Motion:

If the party is seeking a hearing date by motion, the party may file a motion to be placed on a Motions Day, with proper notice to the opposing party, requesting that a date certain be set to be heard on the grounds of divorce and for domestic relations issues. All such motions must comply with Rule 4:15(b).

c. Term Day:

In lieu of the motion, a party may also file a Praecipe for Term Day, with proper notice to the opposing party, to schedule a date certain to be heard on the grounds of divorce and domestic relations issues.

4.02 Domestic Case Hearing Not Scheduled/Needed:

If there are no issues other than no fault grounds for divorce and a Domestic Case hearing will not be needed, the following are available to a Complainant to be heard on the grounds of divorce:

a. By Agreement:

If the parties are in agreement on a date, the parties may call Chambers and, after approval from a law clerk, schedule such hearing for a date certain (not be placed on the Thursday *Ore Tenus* Docket).

b. No Agreement:

In the event there is no agreement between the parties, a Complainant may file a motion to be placed on a Motions Day, with proper notice to the

opposing party, requesting that a date certain be set to be heard on the grounds of divorce. All such motions must comply with Rule 4:15(b). In lieu of the motion, a Complainant may also file a Praecipe for Term Day, with proper notice to the opposing party, to schedule a date certain to be heard on the grounds of divorce.

c. Waiver:

In the event the Defendant has signed a "Waiver of Notice" that includes waiving his/her right to contest the grounds of divorce, the Complainant may proceed to set a date certain (not to be placed on the Thursday *Ore Tenus* Docket) by calling Chambers. However, such date may only be set after approval by a law clerk.

4.03 Divorce Decrees:

a. Statutory Notices:

All divorce decrees must contain the notice required by Va. Code § 20-111.1. If any order awards child custody, child support, and/or spousal support, certain statutory notices must be included in the order: for child custody: Va. Code §§ 20-124.5, 20-124.6; for child support: Va. Code §§ 20-60.3, 20-124.2(C); for spousal support and the parties have no children: Va. Code § 20-107.1(H); for spousal support and the parties do have children: Va. Code § 20-60.3.

b. Articulation of Reasons for Ruling:

The divorce decree must explain the reasons for certain rulings; consequently, a transcript of the court's ruling must be appended to the divorce decree.

c. Entry of Final Decree:

After the trial, the court will set a date for entry of the final decree of divorce. If the parties agree on the wording of the divorce decree, they can submit the signed order to Chambers for entry. The decree will be entered in due course after review. The time will vary depending on the court's workload, thus litigants and counsel should not call to check on entry of the decree until at least two weeks have passed since submission of the agreed decree. If there is a dispute over the court's ruling or the wording of the divorce decree, the parties can appear on the date set for entry of the final decree.

5.00 DOMESTIC CASE PRETRIAL SCHEDULING ORDER

5.01 Entry of Domestic Case Pretrial Scheduling Order:

A Domestic Case Pretrial Scheduling Order shall be entered in all contested domestic relations cases contemporaneously with setting the trial date. The order will be available to the parties at the term day hearing. In the event the parties obtain their trial date by agreement through Judges' Chambers the court will enter the order and it will be counsel's responsibility to obtain a copy (**Appendix Form E-2** Domestic Case Pretrial Scheduling Order).

5.02 Pretrial Conferences:

In every contested domestic case, the Domestic Case Pretrial Scheduling Order will require the parties to attend a pretrial conference. The pretrial conference shall be held approximately thirty (30) to forty-five (45) days before the trial. All counsel and the parties shall attend the pretrial conference unless excused for hardship by a judge of the Circuit Court. The request to be excused from attendance must be made in writing explaining the reasons for the request and filed with the court at least ten (10) days in advance of the conference with a courtesy copy to Judges' Chambers. A judge will enter an order granting or denying the request. If the request is granted, the order will require counsel and/or the party to appear by telephone at the conference.

The agenda for the pretrial conference is stated in the Standing Order Establishing Procedures for Entry of Pretrial Scheduling Orders and Setting Pretrial Conferences in Certain Cases (**Appendix Form E-3** Standing Order Establishing Procedures for Entry of Pretrial Scheduling Orders and Setting Pretrial Conferences in Certain Cases).

6.00 SETTLEMENT AND FREE JUDICIAL SETTLEMENT CONFERENCE

Counsel are encouraged to conduct settlement negotiations in advance of the trial date. Sitting judges may assist in settlement discussions if requested and some will invite discussions on their own either immediately prior to trial or during trial.

Parties may also avail themselves of the Virginia Supreme Court's judicial settlement conference program, which is free to litigants. A list of retired judges participating in this program is posted on the Virginia Supreme Court's website at http://www.courts.state.va.us/courtadmin/aoc/djs/programs/jsc/jsc_judges.html. Identify the judicial conference program judge you wish to schedule and obtain that judge's contact information from the circuit court clerk's office. Coordinate a date with the judge and opposing counsel. Then submit an agreed order to Judges' Chambers. In the event one party is *pro se*, certain judges will not proceed.

When a case settles in advance of trial, it is both parties' responsibility to inform Chambers at 703-792-6171 and all witnesses as soon as possible thereafter. Revised time estimates should be called in to this number in the event of a partial settlement or, complete settlement, when counsel wishes to appear solely to make a record of settlement agreement.

7.00 GUARDIANS *AD LITEM*

Guardians *ad litem* (GAL) may be appointed to represent a child when custody or visitation of a child is in dispute. The court will usually require both parties to be responsible for paying the fees of the GAL and to pay a sum to the GAL in advance. The Office of the Executive Secretary, Supreme Court of Virginia, maintains lists of attorneys who are qualified GALs.

A GAL shall be appointed for other defendants under a disability pursuant to Va. Code §§ 8.01-2 and 8.01-9. Where the defendant is a felon, a GAL is only required for during the period he is confined. By order of the court, in a civil action for divorce from an incarcerated felon, in certain circumstances the compensation and expenses of the GAL shall be paid by the Commonwealth out of the state treasury from the appropriation for criminal charges.

Va. Code § 8.01-2 defines "Person under a disability" to also include incapacitated persons as defined in § 64.2-2000 and § 64.2-2016 and any other person who, upon motion to the court by any party to an action or suit or by any person in interest, is determined to be (i) incapable of taking proper care of his person, or (ii) incapable of properly handling and managing his estate, or (iii) otherwise unable to defend his property or legal rights either because of age or temporary or permanent impairment, whether physical, mental, or both. Such impairment may also include substance abuse as defined in § 37.2-100;

8.00 SEMINAR REQUIREMENT IN CONTESTED CUSTODY, VISITATION OR SUPPORT CASES

When custody, visitation or support is contested, the parties will be ordered to attend an educational seminar of no less than four hours duration pursuant to Va. Code § 20-103(A). Approved providers are listed at http://webdev.courts.state.va.us/cgi-bin/parented/providers.cgi/g?153J on the Virginia Supreme Court's website. Contact the individual seminar providers for times, dates and locations of the seminar. The parties will be required to file their certificate of completion of the seminar before the hearing.

SECTION F

SECTION F: GUARDIANSHIP AND CONSERVATORSHIP FOR INCAPACITATED ADULTS PRACTICE GUIDELINES[1]

(Adopted November 2018)
See Va. Code § 64.2-2000 et. seq.

1.00 GUARDIANS AND CONSERVATORS

There are two roles in managing the affairs of an incapacitated adult (the "Respondent"): Guardian and Conservator. The Guardian is responsible for decisions regarding the personal affairs of the incapacitated person including their care, health, safety, medical treatment, residence, social activities, etc. The Conservator manages the incapacitated person's property, income and financial affairs. One person can serve in both roles or different people can be appointed to each role. Co-Guardians/Co-Conservators (two people serving in one role) may be appointed.

2.00 PRIOR TO FILING

2.01 Review the medical and anecdotal evidence of incapacity as defined in Va. Code § 64.2-2000, and any existing estate planning documents, including any powers of attorney, advance medical directives, wills and trusts. The Court must consider the availability of less restrictive alternatives, such as durable powers of attorney and/or trusts rather than Conservatorship and advance medical directives rather than Guardianship. See Va. Code §§ 64.2-2007 and 64.2-2009; and duties and powers of Guardian and Conservator Va. Code §§ 64.2-2019 and 64.2-2021.

2.02 <u>Jurisdiction and Venue</u>:

a. The Court has jurisdiction if Virginia is Respondent's "home state" as defined in the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act unless the Court finds that an emergency exists. See Va. Code § 64.2-2100, et. seq.

b. Proper Venue is in the Circuit Court of the county or city in which Respondent is located, is a resident or lived immediately prior to entering a medical facility or nursing home. If Respondent is a nonresident, but owns real property in Virginia, file in the Circuit Court where the real property is located.

3.00 SURETY BOND

If the petition seeks the appointment of a Conservator, it is highly recommended that petitioner determine in advance that the proposed Conservator (who may be the petitioner or someone else) will qualify for a surety bond in a sufficient amount (See below for further

[1] Thank you to Fairfax County Bar Association for allowing Prince William County Bar Association to use portions of their prior Circuit Court Guidelines on Guardianship and Conservatorship Practice in drafting this section.

discussion about the appropriate amount of the bond and when surety is required). It is suggested that you contact the insurance company to determine in advance if the proposed conservator will qualify for the bond. The insurance company providing the bond will require financial and other information from the proposed Conservator, including any bankruptcy filing and/or felony convictions.

4.0 PETITION

4.01 Any person may file a petition for appointment of a Guardian or Conservator, or both. It is filed with the Clerk in Circuit Court Room 314 on the third floor of the Judicial Center. The petition can be styled as either In re: (Respondent's name) or Petitioner's Name vs. Respondent's Name. The original petition and two (2) copies for service should be filed if seeking service by the Sheriff. (See below regarding service of the petition by the Guardian ad litem appointed by the Court.) It is advisable to have a third copy date stamped with the case number, for your own files.

4.02 Va. Code § 64.2-2002 requires that the petition contain certain specified information including the Respondent's Social Security number (which must be done in a Private Addendum). Medical evaluations must also be filed by Private Addendum.

4.03 Va. Code § 64.2-2007(B) provides that Guardianship and Conservatorship petitions are to be heard within 120 days of filing unless postponed by the Court for good cause.

4.04 The Petition must also include a request for the appointment of a Guardian ad litem ("GAL") for the Respondent. Petitioner should submit an Order Appointing a Guardian ad litem for the Respondent along with the Petition. When the Petition and GAL Order is filed, the clerk will log the case in, give it a case number and it will be assigned by the system to a particular Judge. The clerk will notify Circuit Court Chambers of the filing and the need to enter the GAL order. Petitioner may identify a GAL who is on the approved list and agreed to serve. If Petitioner has not identified a GAL, the Petitioner should submit two GAL Orders, one appointing that attorney as GAL and one with a blank for the Judge to select an alternate attorney as GAL. Ultimately the Judge will make the decision as to who is appointed as GAL. The entered GAL Order will be returned to the Civil Division, room 314 as soon as practicable. The Clerk will then email both Petitioner's counsel and the GAL to notify them of the appointment of the GAL.

4.05 Petitioner must pay the filing fee. Fees and costs may later be reimbursed from the estate of the Respondent, if the estate is available and sufficient. If the Petitioner's estate is unavailable or insufficient, the court, in its discretion, may determine the Petitioner to be indigent and waive service fees and costs. See Va. Code §17.1-606.

5.00 NOTICE OF HEARING AND SERVICE ON THE RESPONDENT

5.01 A Statutory Notice of Hearing, including the hearing date, time and place must be personally served on the Respondent. The notice must advise the Respondent of their rights pursuant to Va. Code §§ 64.2-2006 and 2007 and must also contain a warning in 14-point type or larger bold print, that the Respondent can lose certain rights. See Va. Code § 64.2-2004. A Notice of Hearing personally served on the Respondent which meets the statutory requirements is jurisdictional.

Practice Tip: While service on the Respondent can be by the Sheriff, by private process server or by the GAL, it is best practice to have the GAL serve the Respondent with all required documents because the GAL is required to advise the Respondent in person of their statutory rights. The GAL can comply with this requirement at the time the GAL serves the Respondent with the required documents.

5.02 If the case necessitates a return date sooner than two weeks, counsel may contact Chambers and seek to expedite the entry of an Order appointing a GAL and set an expedited hearing date under the following circumstances: Petitioner reasonably believes that the Respondent's life or health is threatened or the Respondent will suffer irreparable harm due to financial exploitation.

5.03 Notice and a copy of the Petition must also be mailed by first class mail to the Respondent's spouse, adult children, parents and adult siblings--if they exist; or, if no such relatives can be identified by Petitioner, to at least three other adult relatives (if they exist), at least seven (7) days prior to the hearing. The notice can be waived by the Court in an appropriate exigent circumstance. Petitioner must file a certificate of compliance with the service requirements of Va. Code § 64.2-2004 with the Court prior to the hearing.

5.04 After proper service on the Respondent, the matter should be set on a Friday, 10:00 a.m. Motion's Docket. If it can be heard in less than thirty (30) minutes, it will be heard that day. If it will take longer than thirty (30) minutes, the matter will be set on the trial docket. Note that the Respondent has a right to request that the matter be tried by a jury. If the matter is contested and the GAL deems it necessary, the GAL will recommend the appointment of counsel for the Respondent.

6.00 GUARDIAN AD LITEM

6.01 A Guardian ad Litem is appointed in every case. The GAL must personally visit the Respondent and advise him/her of his/her rights. The GAL must be present at all proceedings. The GAL must file a written report with the Court, which includes a recommendation as to whether a Guardian and/or Conservator should be appointed, the appropriateness of the person proposed, and a recommendation as to the bond of the Guardian and/or Conservator. See Va. Code § 64.2-2003.

6.02 The GAL report should be filed with the Clerk and a courtesy copy delivered to Judge's Chambers the Tuesday before the Friday hearing on the matter. In the event that the GAL report is not filed in sufficient time in advance of the hearing for the Judge to review the report, the matter may be continued or delayed to give the Judge the opportunity to do so.

6.03 The source and amount of payment to the GAL must be addressed in the Order appointing the Guardian/Conservator. The GAL's fees are payable from the estate of the Respondent, if sufficient. If the Respondent is indigent, the Commonwealth of Virginia will pay the GAL's fees. See Va. Code §§ 64.2-2003 and 64.2-2008.

6.04 If the GAL's fees are to be paid by the Commonwealth, the GAL must submit a List of Allowances (**Appendix Form F-1** List of Allowances (Form DC-40), which is in triplicate carbon copy form). The form must be completed and signed by the GAL and submitted to the Court for signature by the Judge at the time the Guardian/Conservator is appointed. See Va. Code § 64.2-2008.

7.00 COUNSEL

At the request of the Respondent or the GAL, the Court may appoint legal counsel for the Respondent if the Court determines that counsel is needed to protect the Respondent's interest. See Va. Code § 64.2-2006. Counsel's fees are fixed by the Court and paid from the Respondent's estate, unless the Respondent is indigent, in which case counsel's fees are paid by the Commonwealth. If the Commonwealth is paying, counsel must submit a List of Allowances (**Appendix Form F-1** List of Allowances (Form DC-40), which is in triplicate carbon copy form) to the Judge at the time of the hearing.

8.00 EVALUATION REPORT

The evaluation report is prepared by a licensed physician, psychologist or other licensed professional skilled in the assessment and treatment of the physical or mental conditions of the Respondent. The report must be filed with the Court and provided to the GAL prior to the hearing. There are detailed requirements for the contents of the report. See Va. Code § 64.2-2005.

If an Evaluation Report cannot be obtained prior to the hearing date, Petitioner can ask the Court to order the Respondent to submit to an evaluation. In circumstances with good cause shown, the Court may proceed to appoint a Guardian and/or Conservator without a medical evaluation report.

9.00 HEARING

9.01 Respondent is entitled to a jury trial, upon request and may compel the attendance of witnesses, present evidence and cross-examine witnesses. See Va. Code § 64.2-2007.

9.02 The hearing may be held at such convenient place as the Court directs, including the place where the Respondent is located.

9.03 Pursuant to Va. Code § 64.2-2005(d), the medical report of evaluation shall be permissible as evidence of the facts stated therein and the results of the examination or evaluation unless counsel for Respondent or the GAL objects.

9.04 Respondent is entitled to be at the hearing and must be present if the GAL or the Respondent so requests.

9.05 The proposed Guardian/Conservator must be present at the hearing except for good cause shown.

9.06 The evidentiary standard is clear and convincing evidence. Va. Code § 64.2-2007(D).

10.00 ORDER OF APPOINTMENT

10.01 The Order must contain specific information. See Va. Code § 64.2-2009.

10.02 The Guardian ad litem must make a recommendation as to the amount of the bond for the Guardian and Conservator. The Order must specify a bond for both the Conservator and the Guardian. Bond for the Guardian is without surety and typically is set at $1,000. Bond for the Conservator may be without surety if the bond is less than $25,000. See Va. Code §64.2-1411. Usually the Conservator's bond will be with surety. Bond is typically set at one and a third (1.3) times the value of the estate under the Conservator's control. The estate includes both the Respondent's assets and one year of income. Only the income which is being managed by the Conservator, in that capacity, is to be included in the bond amount (for example, monthly Social Security benefits for which there is a Representative Payee (which may or may not be the Conservator) and money held in a Trust is usually excluded).

10.03 The Conservator's powers are set forth in Va. Code § 64.2-2011 and § 64.2-105. The value of real estate must be included when setting the bond unless the power of sale is restricted in the Order.

11.00 QUALIFICATION

11.01 The Guardian/Conservator must qualify before the Clerk of the Probate Division of Circuit Court by scheduling an appointment in order to complete the qualification process. If arranged with the Probate Clerk in advance, the appointment can often be scheduled on the same date as the hearing. If an appointment has not been scheduled with the Clerk in advance, it is extremely unlikely that the Guardian/Conservator will be able to qualify on the date of the hearing.

11.02 If surety bond will be required, it is recommended to arrange for the bond ahead of time. No person may qualify as Conservator until any required surety bond is in place.

11.03 The Clerk will issue separate certificates of qualification for the Guardian and the Conservator, if they are different people and one certificate if they are the same person. The first certificate is free. Additional copies of the certificates can be obtained for a nominal fee, unless the Respondent is indigent (in which case, the certificates are free).

11.04 At the time the Guardian/Conservator qualifies, the Probate Division will assign a Fiduciary number to the matter and the "CL" case will be closed.

12.00 STANDBY GUARDIAN OR CONSERVATOR FOR INCAPACITATED PERSONS

At the time of filing the initial petition for appointment or thereafter, one or both parents, one or more children, or the legal guardian of an incapacitated person, may petition the Circuit Court, to appoint a standby Guardian and/or Conservator for the incapacitated person. See Va. Code § 64.2-2013.

13.00 RESTORATION, MODIFICATION OR TERMINATION

Upon petition by the Respondent, the Guardian or Conservator, or any other person, or on motion of the Court, the Respondent can be restored to capacity, or the Guardianship or Conservatorship modified or terminated, or the Guardian or Conservator removed and/or replaced. See Va. Code § 64.2-2012.

In the case of a petition for modification to expand the scope of a guardianship or conservatorship, all of the requirements related to an original Petition apply.

SECTION G

SECTION G: CRIMINAL PRACTICE GUIDELINES

(Adopted November 2018)
Information is also available at www.pwcgov.org/criminal
703-792-6031 for fines and costs information
703-792-6025 for courtroom information

1.00 CRIMINAL PROCEDURE

1.01 Grand Jury:

www.pwcgov.org/courtcalendar

The Grand Jury meets the first Monday of every month. When a legal holiday falls on the first Monday of a given month, the Grand Jury meets on the next regular business day following the holiday. Neither the defendant nor defense counsel appear at Grand Jury hearings.

1.02 Waiver of Grand Jury:

A defendant may waive presentment of an indictment at the preliminary hearing stage in District Court. Counsel must go to the Circuit Court Clerk's Criminal Division and obtain a waiver form as well as a predetermined Thursday plea date from the Clerk. Counsel must then present that form to the District Court Judge at the time of the waiver of preliminary hearing. Such cases will be set for plea administratively by the Circuit Court Clerk's Office and will not go through Term Day.

1.03 Criminal Term Day (Docket Call):

www.pwcgov.org/crdocket

a. Criminal Term Day begins at 10:00 a.m. on the next court day following the meeting of the Grand Jury.

b. All attorneys of record, retained or appointed, must be present for the docket call. Defendants who are on bond do not need to be present at the docket call unless they do not have an attorney or have a direct indictment. Attorneys should be prepared with the necessary information to set the case, including: speed, trial information, available dates, length of trial, whether a jury is requested, and whether multiple charges can be consolidated for trial.

c. At Criminal Term Day, the Court will request that the defendant, through counsel, and the Commonwealth's Attorney choose or waive a jury trial and select the trial date. Trials are scheduled to begin on Mondays, Tuesdays and Wednesdays only. Jury trials that will take more than one day should be scheduled to begin on a Monday.

d. At Criminal Term Day, the Court sets guilty pleas for any Thursday. The Court controls the number of pleas on a given Thursday.

e. Continuances of trial dates are discouraged and will not be granted except for good cause shown. Counsel are advised to select court dates with care to allow sufficient time for the argument of necessary motions. Continuances cannot be accomplished solely by agreement of counsel. Counsel must seek the court's permission to grant a continuance. Such a motion should be docketed in advance of trial and must be heard on the record.

f. For information concerning entry of agreed discovery orders at Criminal Term Day, please see Section 2.02 below.

1.04 Interpreters:

Please see Section J within this manual regarding interpreters.

1.05 Court Reporters:

The Court provides for verbatim reporting of all felony matters. If counsel desires a court reporter for misdemeanor matters, they should make appropriate arrangements in advance. If no court reporter is present at trial and an appeal is sought, counsel must stipulate to an agreed statement of facts to be approved by the Court pursuant to Rule 5:9 of the Va. Supreme Court Rules. See also the subsection regarding audio recording of misdemeanor trials in Section K of this manual, as well as Va. Code § 17.1-128.

2.00 CRIMINAL MOTIONS

2.01 Motions Day:
www.pwcgov.org/crmotions

The criminal motions docket is heard on Friday mornings beginning at 9:00 a.m. Counsel must file a notice or praecipe asking that the motions be heard no later than the Friday preceding the Friday to be heard. There is a maximum ten (10) minute time limitation for motions heard on a regular Friday motions day. If a motion will take longer than ten (10) minutes for the Court to hear, counsel should contact Judges' Chambers (703-792-6010) to schedule a date certain. If counsel cannot agree whether a matter can be heard in ten (10) minutes or less, they should indicate this at the call of the docket and the Court will either grant five (5) minutes for argument to determine whether or not the motion can be heard on the regular docket, or, in its discretion, will set a date certain. **Note that bond motions may not be set on Friday motions docket without leave of court—see below.**

On Friday morning, the docket and courtroom assignments are posted on the third floor docket monitors next to the elevators.

2.02 Discovery Motions:

Discovery motions should be filed and docketed as soon as practicable, so as to allow the Commonwealth's Attorney to respond no later than forty-five (45) days before trial. Reciprocal discovery by the defense should be filed no more than ten (10) days after the Commonwealth's discovery is due, but not less than ten (10) days before trial pursuant to Rule 3A:11 of the Va. Supreme Court Rules. Agreed discovery orders, without the need for docketing, may be filed. The original and one copy should be delivered to the Office of the Commonwealth's Attorney, which will endorse and file the motion. Such discovery answers will be due at least forty-five (45) days before trial, with reciprocal answers due ten (10) days later. Agreed orders must strictly conform to Rule 3A:11 of the Va. Supreme Court Rules, as well as this Court's timelines. **Non-conforming requests must be docketed for a hearing.** Model orders can be found in the web links at www.pwcgov.org/criminal (**Appendix Form G-1** Order for Discovery). Agreed discovery orders are also available at Term Day and should be entered at that time.

2.03 Motions *in Limine*:

If possible, motions *in limine* that will take less than ten (10) minutes to hear should be presented on a Friday motions day before trial. Only matters requiring a short argument without the presentation of evidence should be presented on the morning of trial. All others should be filed in the same manner as motions to suppress noted below.

2.04 Motions to Suppress and Other Constitutional Law Motions:

Motions to suppress or dismiss are heard on Thursdays starting as early as 9:00 a.m. unless otherwise set by the Court. Such motions must be filed before the hearing will be scheduled. Counsel must contact Chambers to obtain a date for the motion to be heard, and notice it at least seven (7) days in advance pursuant to Va. Code § 19.2-266.2. **Such motions will not be heard the day of trial.**

2.05 Bond Motions:

Bond motions and bond appeals may be noticed for a hearing without leave of court at 10:00 a.m. Monday through Thursday, but no sooner than two (2) days from the date filed. **Bond motions may not be set on Fridays without leave of court.**

3.00 GUILTY PLEAS

3.01 Plea Forms:

Plea forms for felony guilty pleas (**Appendix Form G-2** Plea of Guilty to a Felony), felony guilty pleas pursuant to North Carolina v. Alford, 400 U.S. 25 (1970) (**Appendix Form G-3** Plea of Guilty to a Felony - Alford), and guilty pleas to misdemeanors (**Appendix Form G-4** Plea of Guilty to a Misdemeanor) are available in Room 310 and at www.pwvgov.org/criminal, and should be prepared by defense counsel prior to court.

Counsel must thoroughly review plea forms with the defendant prior to the hearing. Court time is not allotted for such review.

3.02 Sentencing Recommendations:

If an agreed recommendation or plea agreement exists with the Commonwealth's attorney regarding a recommended sentence, ensure that the agreement is completely and accurately reflected on the plea form when endorsed by the defendant, defense counsel, and the Commonwealth's attorney. Please note that pursuant to Va. Code § 19.2-254, if a plea agreement is rejected by a particular judge, that judge shall immediately recuse himself or herself, and all future matters in that case must be heard by another judge unless the parties agree otherwise.

3.03 Pre-Sentence Investigation and Report:

If a pre-sentence investigation and report ("PSR") is ordered, the sentencing hearing will be scheduled on the Judge's sentencing day (normally eight (8) to twelve (12) weeks after the plea date for a short form PSR, and twelve (12) to fourteen (14) weeks for a long form PSR). A PSR can be waived on the record by agreement of the parties if approved by the Court. See also Va. Code § 19.2-299.

3.04 Sentencing at the Time of Plea:

With the concurrence of the Court and the Commonwealth's attorney, felony cases may be sentenced at the time of plea if the defendant waives preparation of a PSR and the parties stipulate to agreed sentencing guidelines, which must be presented to the Court at that time. See Va. Code § 19.2-299. Sentencing at the time of plea should only occur in cases with specific recommendations or in cases in which only very brief argument is required. Defense counsel must arrange in advance for sentencing at the time of plea with the Commonwealth's attorney.

3.05 Plea in Advance of Trial:

If defense counsel and the Commonwealth's attorney reach an agreed plea recommendation or plea agreement in advance of trial, an earlier plea date may be

requested by contacting Chambers. This process is highly encouraged in cases set for multi-day trials so as to free up later court dates for other cases. **Until a plea is entered and accepted, the trial will proceed as scheduled.**

4.00 INCIDENTS OF CRIMINAL TRIAL

4.01 Recording Misdemeanor Trials:

A 2014 Code amendment permits counsel for both sides to record misdemeanor trials in Circuit Court in cases where there is no court reporter or other court-approved method of creating a transcript. See Va. Code § 17.1-128.1. Note that the purpose of the recording is to aid in producing an accurate statement of facts for appeal, and that neither the recording nor a transcript of the recording is automatically part of the record for purposes of appeal. Counsel utilizing this procedure shall advise the Court that they are doing so at the outset of the trial, and are encouraged to confer and, if necessary secure, a ruling by the Court with respect to the procedure for handling such recording, including:

a. Testing the location, settings, memory space, batteries, etc. of any recording equipment to insure that proceedings are completely and accurately recorded; and

b. Establishing a procedure under which recordings are shared, and under which one or more recordings and/or a transcripts thereof may be made a part of the record for purposes of any appeal.

4.02 Jury Information:

The pre-panel jury list is available from the Jury Clerk in the Jury Assembly Room, and can be requested three (3) full business days before trial. Information thereon shall include the name, age, address, occupation and employer of each person on the panel. Information regarding the particular panel assigned to a case will be available on the morning of trial. Please see also Va. Code § 8.01-353.

For further information, contact the Jury Clerk at 703-792-6047.

4.03 Time Estimates:

Counsel will receive a call from Judges' Chambers the week before trial requesting an estimate of the time necessary for trial and confirming that a jury, if one was previously requested, is still required. The day before trial, Counsel will receive a second call asking for confirmation of the time estimate. **It is essential that Counsel promptly return calls from Chambers for time estimates.** The number reserved for this purpose is 703-792-6013. (This is not a general number for use in calling Chambers, but rather reserved for time estimates and the like for upcoming

trials.) Counsel who know they will be unavailable on the day prior to trial should arrange for staff to provide time estimate information to Chambers.

Cases are assigned to judges on the afternoon preceding the trial based on availability and counsel's time estimates. Make every effort to provide an accurate time estimate. Failure to provide an accurate time estimate can severely disrupt the court's schedule and may result in your case being heard at the end of the docket.

When the status of a case changes, such as by reaching a plea agreement, it is counsel's responsibility to notify Chambers as soon as possible. The number reserved for such calls is 703-792-6013.

4.04 Docket Information:

The trial docket is posted on the docket monitors next to the elevators by 9:00 a.m., as well as online on the Court Case Status and Information Website at http://www.courts.state.va.us/caseinfo/home.html.

4.05 Presentation of Evidence:

a. Exhibits:

Prior to trial or during a break, counsel should tender exhibits to the clerk for marking. Counsel should refer to the exhibit number when showing an exhibit to a witness. Please see Section K concerning courtroom technology. It is counsel's duty to make sure the record accurately reflects the evidence: recordings, drawings, highlights, notations, etc., must be preserved for the record.

b. Views:

Counsel who intend to request that a jury or judge view a scene should file a motion as far in advance as practicable, but not less than fourteen (14) days before the day of trial so that appropriate arrangements can be made by the Sheriff's Department and the Court.

4.06 Jury Instructions:

The Court encourages counsel to refer to the publication *"Model Jury Instructions"* for drafting assistance. Proposed instructions should be exchanged with the Commonwealth's attorney before trial. Instructions should be prepared on 8 1/2" X 11" paper with the Commonwealth's attorney *numbering* his or her instructions and the defendant *lettering* his or her instructions. Counsel should provide the Court with two sets of proposed instructions: one with supporting citations and one without citations to be given to the jury.

Argument will normally be heard on the Commonwealth's instructions first, then proceed to any instructions proposed by the defense that remain at issue.

If either counsel proposes a non-model jury instruction, they must provide supporting case law. Such instructions must be based on existing case law or a good faith attempt to expand or modify existing precedent.

4.07 Trial Briefs:

The Court does not require trial briefs. Counsel who intend to cite unusual case law may wish to make copies of the case(s) to provide to the Court, the Commonwealth's attorney, and any joined co-defendants.

4.08 Restitution and DC-317 Forms:

Restitution forms should be completed and available before the defendant is sentenced. They are to be presented to the court at the time of sentencing.

DC-317 and DC-317-S2 forms are available in room 310 (**Appendix Forms G-5** Order for Restitution (Form DC-317) and **G-6** Supplemental Sheet to Order for Restitution for Co-Defendant Information (Form DC-317-S2) for an example, but note that the forms are in triplicate carbon copy form, and only such originals will be accepted). Form DC-317-S2 must also be submitted in any cases with joint and several co-defendant liability. The Commonwealth is required to submit form DC-317-S1 concerning victim information in all cases where restitution is due. Pursuant to Va. Code § 19.2-305.1, please note that a defendant cannot be placed on probation nor have any portion of his or her sentence suspended unless restitution is addressed.

4.09 Court-Appointed Counsel Payment Voucher Process:

In an effort to expedite the court's processing of attorney invoices and the tender of payment to attorneys for services rendered to indigent defendants, the court requests that all attorneys promptly submit FORM DC-40 (List of Allowances) to the court at the end of the final hearing. Timely submission by attorneys of FORM DC 40 will enable the court to process these invoices expeditiously. In the event a waiver is requested, attorneys shall submit FORM DC-40 and the waiver request to the court within ten (10) calendar days of the final disposition.

5.00 EXPUNGEMENT OF CRIMINAL RECORDS

5.01 Felony v. Misdemeanor Expungement:

Expungement of criminal records statutes are found at Chapter 23.1, § 19.2 -392.1 to 392.4. Please note that there are different requirements for felony and misdemeanor expungements. **Criminal convictions cannot be expunged.**

5.02 Filing and Expungement Process:

Sample forms for expungement may be found in the Civil Clerk's office in room 314 or online at www.courts.state.va.us/forms/circuit/civil.html. An original petition and at least two copies of the petition must be provided to the Clerk's office at the time of filing. There will be a filing fee and service fee, both of which must be paid at the time of filing. You should check with the Clerk's office for the amount of each of those fees.

It is helpful to deliver a copy of the petition with the case number provided by the Clerk to the Commonwealth's Attorney's office in room 214.

The Clerk will provide the petitioner with a copy of the petition that will be stamped "Virginia State Police". Petitioner most present that copy to the police to have fingerprints taken and a record check conducted. The police will return the fingerprints and criminal record check to the Clerk.

It will take approximately six (6) weeks after having fingerprints taken for the case to be ready for a court hearing. The court hearing should be scheduled by the petitioner through the Clerk's office for a Friday motions Docket at 9:00 a.m. by praecipe.

NOTE: It is prudent to check with the Clerk's office, no sooner than four weeks after the order was entered, to make sure the record has been expunged.

6.00 CRIMINAL FORMS

- Request for Witness Summons (**Appendix Form G-7**)
- Subpoena for Witness (Form CC-1342) (**Appendix Form G-8** and **Appendix Form G-9** for instructions on using this Form)
- Waiver of Presentment to Grand Jury (**Appendix Form G-10**)
- Waiver of Jury (**Appendix Form G-11**)
- Defendant's Waiver of Right to a Speedy Trial (**Appendix Form G-12**)
- Notice of Appeal from Trial Court (Form CC-1345) (**Appendix Form G-13** and **Appendix Form G-14** for instructions on using this Form)
- Petition for Payment Agreement for Fines and Costs or Request to Modify Existing Agreement (Form DC-211) (**Appendix Form G-15**)
- Petition for Restoration of Driving Privilege – Third Offense (Form CC-1470) (**Appendix Form G-16**)
- Order Restoring Driving Privilege – Third Offense (Form CC-1471) (**Appendix Form G-17**)
- Petition for Restoration of Driving Privilege – Habitual Offender (Form CC-1465(B)) (**Appendix Form G-18**)
- Order Restoring Driving Privilege – Habitual Offender (Form CC-1465(D)) (**Appendix Form G-19**)

- Notice/Motion for Restoration of Driving Privilege (**Appendix Form G-20**)
- Restricted License Worksheet (**Appendix Form G-21**)
- Petition for Expungement Filed in a Circuit Court – Acquittal/Dismissal (Form CC-1473) (**Appendix Form G-22** and **Appendix Form G-23** for instructions on using this Form)
- Expungement Order (Form CC-1474) (**Appendix Form G-24**)

SECTION H

SECTION H: PROBATE OFFICE PRACTICE GUIDELINES

(Adopted November 2018)
Information is also available at www.pwcgov.org/probate
703-792-5587

1.00 OFFICE INFORMATION

Probate information is located in room 314. The office is open from 8:30 a.m. to 5:00 p.m., Monday through Friday. The last probate appointment of the day is at 3:00 p.m. Before a probate appointment can be set, a Probate Pre-Appointment Worksheet (**Appendix Form H-1** Probate Pre-Appointment Worksheet) must be completed and submitted to the Clerk's Office. The Worksheet is available on the Probate Office website at www.pwcgov.org/probate

2.00 QUALIFICATION OF PERSONAL REPRESENTATIVE

Generally, the following information is required:

1. An estimated value of all assets, both personal and real property, titled in the name of the decedent for the probate tax return and setting of the bond amount.

2. A list containing the names, addresses, ages, and degree of kinship (i.e., spouse, son, brother, etc.) of all of the heirs of the estate. If there is a surviving spouse and ***no*** children from a previous marriage, only the surviving spouse needs to be listed.

3. The name, address and telephone number of a bonding agent (if surety is not waived under the Will and if Counsel chooses to make such arrangements independently). Bonding agent must be present at appointment.

4. The original Will and proof of same if it is not self-proving. An original will is self-proving if it contains an affidavit or the self-proving form executed as part of the will during the testator's lifetime. (An affidavit or the self-proving form, if executed after the testator's demise or without the testator's participation, is insufficient).

   An original will, if it is not self-proving, can be proved by deposition forms filed by the witnesses. Generally, it is not necessary for the witnesses to appear in person. In the case of holographic wills, however, it is necessary for two individuals familiar with the testator's handwriting and signature to physically appear and testify under oath.

5. The fees and taxes of probate, recording of the Will, qualification, and certificates of qualification, as the case may be.

PLEASE NOTE that the qualification of a personal representative for the purpose of pursing a wrongful death action is treated differently from other qualifications.

Individuals seeking such a qualification should notify the Clerk's Office before filing an action in order to best expedite the qualification process. See Va. Code § 8.01-50, et seq.

3.00 FEES

Payment of fees are accepted in cash, check, money order and credit card. A surcharge is added for use of credit or debit cards. Please check with the Clerk's Office for applicable fees. Probate fees are based on the size of the probate estate and Prince William County does not assess any county tax on probate filings.

4.00 SURETY BONDS

www.pwcgov.org/bondsurety

If a surety bond is required for a fiduciary to qualify, the clerk can provide a list of fiduciary bond agents who have power of attorney recorded with Prince William. The current list is available on the Clerk's Office website at www.pwcgov.org/bondsurety. Alternatively, counsel is free to make arrangements independently. If a surety bond is required, the bond must be in place before the Clerk will issue certificates of qualification. Surety bond must be pre-approved before the appointment.

5.00 COMMISSIONERS OF ACCOUNTS

At the conclusion of a probate qualification, the case may be given a fiduciary file number and assigned to one of the two Commissioners of Accounts serving the Prince William County Circuit Court. The Commissioners of Accounts supervise the administration of the estate after the qualification of the personal representative. The Commissioners are as follows:

Timothy A. Cope	Linda J. Lonas
7915 Lake Manassas Dr.	9315 Grant Ave, P.O. Box 107
Gainesville, VA 20155	Manassas, VA 20108
(703) 753-4804	(703) 368-5812

For additional information about the Commissioners of Accounts, see the Clerk's Office website at www.pwcgov.org/commissioner.

SECTION I

SECTION I: LAND RECORDS PRACTICE GUIDELINES

(Adopted November 2018)
Information is also available at www.pwcgov.org/land
703-792-6035

The Land Records Division of the Clerk's Office is located in room 300 and is open between the hours of 8:30 a.m. and 5:00 p.m. Monday through Friday. Please note, however, that documents may only be recorded until 4:00 p.m. each day.

1.00 RESEARCHING A DOCUMENT

Computers are available to the public in rooms 300 and 305 to obtain and search county and city land records. If you require assistance, please ask court personnel for assistance. For online access to land records, see Section 3.0 below.

2.00 RECORDING A DOCUMENT

2.01. Where to Record:

To record in person, please go to the recording counter located in Room 300.

The Circuit Court Clerk's Office also offers Remote Electronic Filing of Land Records. In order to participate, please complete the Electronic Filing Agreement available at www.pwcgov.org/erecording.

2.02 Preliminaries:

Initially, a deputy clerk will ensure that the property which is the subject of the recordation is located in the County of Prince William or Cities of Manassas or Manassas Park and that the document to be recorded has been signed and notarized as required by law.

2.03 Recordation and Fee Payment:

After a deputy clerk has confirmed that the prerequisites have been met, and that the appropriate fees have been paid, the document is recorded. This process generates an instrument number, which is provided to the person who presented the document for recordation. The deputy clerk will then issue a computer-generated receipt noting the recordation and instrument number of the document.

Payment must be in cash, check or credit card. Counsel can confirm current recordation fees by checking the Clerk's website at www.pwcgov.org/lrfees.

2.04 Return Address:

All documents must bear the address to which the original should be returned. Counsel should provide a self-addressed, stamped envelope in which the clerk can return the original document after completion of the recordation process. The original will be returned to address provided on the document. The Clerk's Office does not retain any recorded documents.

3.00 ONLINE ACCESS TO LAND RECORDS MANAGEMENT SYSTEMS (LRMS)

The Clerk's Office offers two ways to access LRMS:

3.01. Frequent Users:

Remote Access is available via the Internet by subscription for an annual fee. Information about this service can be found on the Clerk's website at www.pwcgov/lrms.

3.02. Occasional Users:

There is a service to enable those who want to obtain an occasional copy of a recorded document from the convenience of their office or home. Searching the index is free. If you would like to view or print a document, there is a fee of $.50 per image. In addition, a convenience fee of $2.00 will be added at the time of purchase. Information about this service can be found on the Clerk's website at www.pwcgov.org/occasionaluser.

4.00 ADDITIONAL INFORMATION

4.01. Forms:

Forms are available on the Clerk's website at www.pwcgov.org/lrfaq. The Recording Counter also has a number of forms for use by the public and use of these forms is encouraged. The following is a list of instrument forms which are presently available:

a. Certificate and Affidavit of Satisfaction (Form CC-1505) (**Appendix Form I-1**)

b. Certificate of Partial Satisfaction (Form CC-1501) (**Appendix Form I-2**)

c. Certificate of Release of Mechanic's Lien (Form CC-1515) (**Appendix Form I-3** and **Appendix Form I-4** for instructions on using this Form)

d. Certificate of Release of Memorandum of *Lis Pendens* (Form CC-1510) (**Appendix Form I-5**)

e. Authorization for Entry of Satisfaction and/or Release of Judgment Lien (Form CC-1463) (**Appendix Form I-6** and **Appendix Form I-7** for instructions on using this Form)

4.02. Exemptions:

Most exemption codes for recording in Land Records are found in Va. Code §§ 58.1-800, *et seq*. Any applicable exemptions must be specified in the margin of the front page of *all* instruments to which they apply to obtain a reduction in the statutory recordation taxes.

4.03. Indices:

Each of the indices (e.g., grantor, grantee, judgment, etc.) is updated daily and all updates are available in the Public Service Center.

4.04. Busy Days to Avoid Recording:

Please note that the first and last two (2) business days of every month are generally the busiest days for land records' staff. Accordingly, service will generally be faster on other days of the month.

SECTION J

SECTION J: INTERPRETERS
(Adopted November 2018)

1.00 LANGUAGE ACCESS SERVICES

Language access services for limited English proficient (LEP) parties, including sign language, are available in all court proceedings. The Supreme Court of Virginia provides interpreters in civil and criminal cases at no cost, therefore it is not necessary to privately coordinate interpreters. Only court-certified interpreters will be allowed to translate for the record. Foreign Language Interpreter Request Forms may be obtained through the Criminal and Civil Clerks' Offices, as well as in the appendix of this manual (**Appendix Form J-1** Foreign Language Interpreter Request Form).

2.00 NOTIFICATION REQUIREMENTS

Interpreter requests should be made **at least two weeks in advance** by submitting a Foreign Language Interpreter Request Form. Ideally, the language need should be identified at the pretrial conference or Term Day. **New request forms are necessary at each continuance or subsequent court date.** Request forms should specify if interpretation is needed for the parties or only for witnesses. When interpreters have been requested for a case and it becomes evident that they will not be needed, staff interpreters should be notified three business days in advance in order to cancel the request and avoid unnecessary costs.

3.00 CONTACT INFORMATION

To contact the Interpreters Office, please call (703) 792-6927.

For more information, please visit:
http://www.pwcgov.org/government/courts/circuit/Pages/Interpreters.aspx

SECTION K

SECTION K: COURTROOM TECHNOLOGY
(Adopted November 2018)

1.00 AVAILABLE TECHNOLOGY

Each Courtroom is outfitted with televisions and soundbars. These television monitors are available for use in both criminal and civil cases. Please be aware that if you want to use the monitors, you must bring your own device to connect to them. Each courtroom has a set of adaptors to allow usage of the systems. The adaptors can also fit many, but not all, types of cellular phones and tablet computers, as well as document cameras and other devices needed for the presentation of evidence.

2.00 CONNECTING YOUR DEVICE

To link your device with the monitor, insert the adaptor located on the courtroom clerk's desk into your device. The controllers for the television and soundbar are also located on the courtroom clerk's desk. Make sure both the television and soundbar are on, and that your device is plugged into the appropriate adaptor. Each monitor is preset for the appropriate configuration, so **do not change any settings.**

It is required to prearrange a time to set up your device and make sure the settings meet your desired use. Parties are welcome to bring their own audiovisual equipment and/or staff. Parties are required to contact the Sheriff's Office in advance to set up such equipment before trial. **Proceedings will not be delayed for technical difficulties.** Counsel are strongly advised to have a backup plan in the event the monitors do not function with your device(s).

3.00 PRESERVING THE RECORD

It is the responsibility of the parties to introduce items into evidence that are capable of being indexed and scanned into the Clerk's Office Imaging System. The Clerk's Office can only scan images from 8 1/2" by 11" paper. If you plan to use items larger than that, submit a smaller version of the image to be included in the record. The Clerk's Office has the ability to upload electronic files from CD/DVDs that are in PDF format. All other digital files cannot be uploaded and made part of the electronic record. If you have any questions about what items can or cannot be used please contact the Clerk's Office at circuitcourt@pwcgov.org prior to trial.

4.00 MISCELLANEOUS INFORMATION

For information on audio recording of proceedings, please see Section G (Criminal Practice) and Section D (Civil Practice) of this Manual. See Section L (Security) of this Manual for information regarding bringing cellular phones and other devices with cameras into the courthouse.

If there are any questions, please contact the Sheriff's Office at 703-792-6070, or the Circuit Court Chambers at 703-792-6171.

SECTION L

SECTION L: SECURITY GUIDELINES
(Adopted November 2018)

1.00 COURTHOUSE SECURITY

The Sheriff is responsible for providing security to the Judicial Center and courtrooms in order to protect security to protect the public and courthouse personnel and to maintain order. When the courthouse is open to the public everyone entering the courthouse is required to pass through a security checkpoint which may include the use of metal and explosive detection equipment, search of bags or containers, the search of the individual and any other measures deemed appropriate by the Sheriff. People entering or inside court rooms may be asked to leave if they are disruptive, disorderly, inappropriately dressed or for any other reason, if the judge or deputy determines that their presence may disrupt or interfere with the orderly conduct of court business. The Sheriff will address and investigate threats, safety, and security concerns at the Judicial Center and in the courtrooms. You should alert any deputy of safety or security issues that you see. If you see anything of concern, say something. Deputies are available to escort anyone concerned about their safety at the Judicial Center.

2.00 PROHIBITED ITEMS

The following items may not be brought into the courthouse without the prior approval of the sheriff or by court order:

- Cell Phones
- Cameras
- Recording devices
- Guns, knives and weapons of any kind
- Pepper or chemical spray alcoholic beverages
- Illegal drugs and illegal smoking devices
- Electronic smoking devices
- Any other item Sheriff deems unsafe

3.00 SUSPICIOUS OR UNATTENDED ITEMS

Any suspicious or unattended items can pose a potential security concern. Please do not leave any of your belongings unattended. Any unnecessary items should be locked in your vehicle or left at home. If you see suspicious or unattended property please tell a deputy. When leaving property in your vehicle, please make sure it is secure and that electronics, cell phones and other items are not in plain view.

4.00 ATTORNEY SECURITY BADGE

Security badges or ID Badges may be issued to members of the Virginia State Bar. To apply for an Attorney Identification Badge (ID Badge) members of the State Bar should go to the Sheriffs administration office. They will be required to present their Virginia State Bar card and a state issued driver's license or passport. Applicants will be required to complete an application and agree to abide by the rules by the Sheriff for the privilege of using the ID badge to access the Judicial Center. The ID may then be displayed to enter the courthouse and bypass the security screening stations. Attorneys should not expect to be recognized by the deputies if not displaying the ID. Attorneys should keep in mind that they will still be subject to security screening and will be required to pass through the security checkpoint at random times and for special security situations.

The following rules apply to members of the bar while in the courthouse:

1. Display your yellow Sheriff's issued ID badge as you enter the courthouse to bypass the screening stations, please do not rely on facial recognition;

2. The Sheriff randomly conducts security screenings of everyone and their property entering the Judicial Center;

3. Attorneys should not have items unattended in a courtroom or anywhere in the Judicial Center;

4. Please limit conversations while in the courtroom. Decorum is to be maintained and order is expected even after rulings are announced;

5. Do not bring your client's personal property into the courthouse such as cell phones, knives or electronic devices without the Sheriff's prior approval;

6. Arrange to visit with your clients prior to the court date; the deputies will do their best to accommodate attorney/client visits, but only when staff is available;

7. Your clients are not permitted to wear jail clothing at his/her criminal jury trial. If civilian clothing is required for your client's court appearance, please have any clothing items delivered to the ADC for inspection at least one (1) day before the court date.

8. Encourage your clients to dress appropriately;

9. Please use the main lobby entrance after hours. Dial x6949 on the outside phone to alert the deputy of your presence; and

10. If you or your client need an escort to your vehicle please notify the deputy.

SECTION M

SECTION M: PRINCE WILLIAM PUBLIC LAW LIBRARY

(Adopted November 2018)

Information is also available at www.pwcgov.org/government/courts/Pages/Lawlibrary.aspx

1.00 LAW LIBRARY

The Prince William Public Law Library is located in Room 039 on the lower level of the Courthouse, 9311 Lee Avenue, Manassas, VA 20155. It is open to the public and lawyers Monday through Friday from 8:30 a.m. to 4:30 p.m. and closes on the same holiday schedule as the Clerk of Circuit Court. The law library provides access to legal resources including legal periodicals, books, and online legal research tools, such as LexisNexis. There are computers available for word processing and research for court related matters only. These computers contain sample documents for some common issues, such as uncontested divorces and name changes. There are two conference rooms that are available for meetings. These rooms may be reserved up to one day in advance. All copies made at the library are free to Prince William County Bar Association members and will cost all others .25 per page, and ONLY cash is accepted. There is a reading nook, carrels, and meeting rooms for law related use. The law librarian will not draft documents, do legal research, or provide legal advice. **It is recommended that all patrons consult a lawyer for legal advice.**

2.00 LIBRARY RESOURCES

The Law Library collection centers on Virginia-specific primary and secondary legal materials. Access to titles in the collection can be found via the online catalog, available at: < https://opac.libraryworld.com/opac/signin.php > (Use PWCLL in the Library Name field).

Highlights of the collection include:

- Acts of the General Assembly of the Commonwealth of Virginia
- Code of Virginia
- Michie's Jurisprudence of Virginia and West Virginia
- Virginia Circuit Court Opinions
- Virginia Court of Appeals Reports
- Virginia Reports
- Virginia Forms
- Virginia Practice Series
- Virginia Lawyers Weekly
- Virginia Model Jury Instructions
- Virginia Sentencing Guidelines
- Virginia CLE practice and other supplementary material

** Materials in the Library are for reference only and do not circulate.

Electronic Resources

- Free access to LexisAdvance, including all Virginia and federal primary legal libraries
- Internet and Microsoft Word at all public workstations
- Sample form templates for common legal issues, such as uncontested divorce, name change, expungement, and adoption
- Continuing Legal Education (CLE) Forms
- Geronimo Casefinder
- VADER
- Virginia Model Jury Instructions

SECTION N

SECTION N: RESOURCES
(Adopted November 2018)

1.00 COURT INFORMATION

- Prince William County Clerk of Circuit Court < http://www.pwcgov.org/government/courts/circuit/Pages/default.aspx>
- Prince William County Court System < http://www.pwcgov.org/government/courts/pages/default.aspx>
- Virginia Court System < http://www.courts.state.va.us/courts/home.html >
- United States Court System < http://www.uscourts.gov/ >
- United States Supreme Court < https://www.supremecourt.gov/ >

2.00 CODES

- Prince William County Code of Ordinances < https://library.municode.com/va/prince_william_county/codes/code_of_ordinances >
- Municipal Codes of Virginia < https://library.municode.com/va >
- Code of Virginia < https://law.lis.virginia.gov/vacode >
- Administrative Code of Virginia < https://law.lis.virginia.gov/admincode >
- United States Code < http://uscode.house.gov/browse.xhtml >
- Code of Federal Regulations < https://www.govinfo.gov/help/cfr >

3.00 LAWYER REFERRAL ORGANIZATIONS

- Prince William County Bar Association < https://www.pwcba.org/Find/referral.php >
  (703) 393-2306
- Legal Services of Northern Virginia < http://www.lsnv.org/ >
  (703) 778-6800
- Virginia State Bar < http://www.vsb.org/vlrs/ >
  (800) 552-7977

4.00 LEGISLATION

- Virginia - Legislative Information System (1994 to present) < http://lis.virginia.gov/ >
- U.S. – Congress.gov (1973 to present) https://www.congress.gov/

5.00 VIRGINIA CASE LAW

- Court of Appeals (Published) < http://www.courts.state.va.us/wpcap.html >
- Court of Appeals (Unpublished) < http://www.courts.state.va.us/wpcau.html >
- Supreme Court < http://www.courts.state.va.us/scndex.html >

6.00 GENERAL LEGAL RESEARCH LINKS

- Glossary of Terms Commonly Used in Court, Supreme Court of Virginia < http://www.courts.state.va.us/courts/overview/glossary_of_court_terms.html >
- Introduction to Basic Legal Citation, Legal Information Institute, Cornell University < https://www.law.cornell.edu/citation/ >
- Legal Research in Virginia, William & Mary Law School Library < https://law.wm.edu/library/research/researchguides/virginia/ >
- Legislative History in Virginia, Library of Virginia < https://www.lva.virginia.gov/public/guides/LegislativeHistory.pdf >
- Wex Legal Encyclopedia, Legal Information Institute, Cornell University < https://www.law.cornell.edu/wex >

Appendix

APPENDIX OF FORMS

Section D: Civil

D-1
Cover Sheet For Filing Civil Actions (Form CC-1416) *10, 25*

D-2
Prince William County Service of Process Request *11*

D-3
Affidavit for Service of Process on the Secretary of the Commonwealth (Form CC-1418) *12*

D-4
Instructions for Affidavit for Service of Process on the Secretary of the Commonwealth (Form CC-1418) *12*

D-5
Service of Process, Notice, Order or Demand on the Clerk of the State Corporation Commission as Statutory Agent (Form SOP-19.1) *12*

D-6
Affidavit for Service of Process on the Virginia Department of Motor Vehicles – Motor Vehicle Accident *12*

D-7
Motion's Day Praecipe/Notice *14*

D-8
Civil Term Day Praecipe *17*

D-9
Standing Order Establishing Procedures for Entry of Pretrial Scheduling Orders and Setting Pretrial Conferences in Certain Cases *18, 19*

D-10
Uniform Pretrial Scheduling Order for Civil Cases *18*

D-11
Prince William Uniform Pretrial Scheduling Order in Eminent Domain Proceedings *18*

D-12
Subpoena for Witness (Civil) Attorney Issued (Form DC-497) *20*

D-13
Instructions for Subpoena for Witness (Civil) Attorney Issued (Form DC-497) *20*

D-14
Subpoena Duces Tecum (Civil) Attorney Issued (Form DC-498) *20*

D-15
Instructions for Subpoena Duces Tecum (Civil) Attorney Issued (Form DC-498) *20*

D-16
Notice to Individual – Subpoena Duces Tecum for Health Records (Form DC-348) *20*

D-17
Instructions for Notice to Individual – Subpoena Duces Tecum for Health Records (Form DC-348) *20*

D-18
Notice to Health Care Entities – Subpoena Duces Tecum for Health Records (Form DC-350) *20*

D-19
Instructions for Notice to Health Care Entities – Subpoena Duces Tecum for Health Records (Form DC-350) *20*

D-20
Court Order
Relating to Photographic and Similar Equipment *23*

D-21
Suggestion For Summons in Garnishment (Form CC-1485) *26*

D-22
Instructions for Suggestion For Summons in Garnishment (Form CC-1485) *26*

D-23
Garnishment Summons (Form CC-1486) *26*

D-24
Instructions for Garnishment Summons (Form CC-1486) *26*

D-25
Garnishee Information Sheet (Form DC-455) *26*

D-26
Garnishee's Answer (Form DC-456) *26*

D-27
Instuctions for Garnishee's Answer (Form DC-456) *26*

D-28
Notice to Judgment Debtor – How to Claim Exemptions from Garnishment and Request for Hearing - Garnishment/Lien Exemption Claim (Form DC-454) *26*

D-29
Instructions for Notice to Judgment Debtor – How to Claim Exemptions from Garnishment and Request for Hearing - Garnishment/Lien Exemption Claim (Form DC-454) *26*

D-30
Order for Payment *26*

D-31
Summons to Answer Interrogatories (Form CC-1481) *26*

D-32
Notice to Debtor – How to Claim Exemptions and Request for Hearing – Exemption Claim (Form DC-407) *26*

D-33
Instructions for Notice to Debtor – How to Claim Exemptions and Request for Hearing – Exemption Claim (Form DC-407) *26*
D-34
Authorization for Entry of Satisfaction of Judgment and/or Release of Judgment Lien (Form CC-1463) *28*
D-35
Instructions for Authorization for Entry of Satisfaction of Judgment and/or Release of Judgment Lien (Form CC-1463) *28*

Section E: Domestic Relations

E-1
Addendum for Protected Identifying Information – Confidential (Form CC-1426) *29*
E-2
Domestic Case Pretrial Scheduling Order *36*
E-3
Standing Order Establishing Procedures for Entry of Pretrial Scheduling Orders and Setting Pretrial Conferences in Certain Cases *36*

Section F: Guardianship and Conservatorship for Incapacitated Adults

F-1
List of Allowances (Form DC-40) *41*

Section G: Criminal

G-1
Order for Discovery *46*
G-2
Plea of Guilty to a Felony *47*
G-3
Plea of Guilty to a Felony - Alford *47*
G-4
Plea of Guilty to a Misdemeanor *47*
G-5
Order for Restitution (Form DC-317) *50*
G-6
Supplemental Sheet to Order for Restitution for Co-Defendant Information (Form DC-317-S2) *50*
G-7
Request for Witness Summons *51*
G-8
Subpoena for Witness (Form CC-1342) *51*
G-9
Instructions for Subpoena for Witness (Form CC-1342) *51*
G-10
Waiver of Presentment to Grand Jury *51*
G-11
Waiver of Jury *51*
G-12
Defendant's Waiver of Right to a Speedy Trial *51*
G-13
Notice of Appeal from Trial Court (Form CC-1345) *51*
G-14
Instructions for Notice of Appeal from Trial Court (Form CC-1345) *51*
G-15
Petition for Payment Agreement for Fines and Costs or Request to Modify Existing Agreement (Form DC-211) *51*
G-16
Petition for Restoration of Driving Privilege – Third Offense (Form CC-1470) *51*
G-17
Order Restoring Driving Privilege – Third Offense (Form CC-1471) *51*
G-18
Petition for Restoration of Driving Privilege – Habitual Offender (Form CC-1465(B)) *51*
G-19
Order Restoring Driving Privilege – Habitual Offender (Form CC-1465(D)) *51*
G-20
Notice/Motion for Restoration of Driving Privilege *52*
G-21
Restricted License Worksheet *52*
G-22
Petition for Expungement Filed in a Circuit Court – Acquittal/Dismissal (Form CC-1473) *52*
G-23
Instructions for Petition for Expungement Filed in a Circuit Court – Acquittal/Dismissal (Form CC-1473) *52*
G-24
Expungement Order (Form CC-1474) *52*

Section H: Probate

H-1
Probate Pre-Appointment Worksheet *53*

Section I: Land Records

I-1
Certificate and Affidavit of Satisfaction (Form CC-1505) *56*
I-2
Certificate of Partial Satisfaction (Form CC-1501) *56*
I-3
Certificate of Release of Mechanic's Lien (Form CC-1515) *56*

I-4
Instructions for Certificate of Release of Mechanic's Lien (Form CC-1515) *56*
I-5
Certificate of Release of Memorandum of Lis Pendens (Form CC-1510) *56*
I-6
Authorization for Entry of Satisfaction and/or Release of Judgment Lien (Form CC-1463) ..*57*
I-7
Instructions for Authorization for Entry of Satisfaction and/or Release of Judgment Lien (Form CC-1463).....*57*

Section J: Interpreters

J-1
Foreign Language Interpreter Request Form *58*

SECTION D

COVER SHEET FOR FILING CIVIL ACTIONS

COMMONWEALTH OF VIRGINIA

Case No. ..... (CLERK'S OFFICE USE ONLY)

..... Circuit Court

..... v./*In re:* .....

PLAINTIFF(S) DEFENDANT(S)

I, the undersigned [ ] plaintiff [ ] defendant [ ] attorney for [ ] plaintiff [ ] defendant hereby notify the Clerk of Court that I am filing the following civil action. (Please indicate by checking box that most closely identifies the claim being asserted or relief sought.)

GENERAL CIVIL

Subsequent Actions

- [ ] Claim Impleading Third Party Defendant
  - [ ] Monetary Damages
  - [ ] No Monetary Damages
- [ ] Counterclaim
  - [ ] Monetary Damages
  - [ ] No Monetary Damages
- [ ] Cross Claim
- [ ] Interpleader
- [ ] Reinstatement (other than divorce or driving privileges)
- [ ] Removal of Case to Federal Court

Business & Contract

- [ ] Attachment
- [ ] Confessed Judgment
- [ ] Contract Action
- [ ] Contract Specific Performance
- [ ] Detinue
- [ ] Garnishment

Property

- [ ] Annexation
- [ ] Condemnation
- [ ] Ejectment
- [ ] Encumber/Sell Real Estate
- [ ] Enforce Vendor's Lien
- [ ] Escheatment
- [ ] Establish Boundaries
- [ ] Landlord/Tenant
  - [ ] Unlawful Detainer
- [ ] Mechanics Lien
- [ ] Partition
- [ ] Quiet Title
- [ ] Termination of Mineral Rights

Tort

- [ ] Asbestos Litigation
- [ ] Compromise Settlement
- [ ] Intentional Tort
- [ ] Medical Malpractice
- [ ] Motor Vehicle Tort
- [ ] Product Liability
- [ ] Wrongful Death
- [ ] Other General Tort Liability

ADMINISTRATIVE LAW

- [ ] Appeal/Judicial Review of Decision of (select one)
  - [ ] ABC Board
  - [ ] Board of Zoning
  - [ ] Compensation Board
  - [ ] DMV License Suspension
  - [ ] Employee Grievance Decision
  - [ ] Employment Commission
  - [ ] Local Government
  - [ ] Marine Resources Commission
  - [ ] School Board
  - [ ] Voter Registration
  - [ ] Other Administrative Appeal

DOMESTIC/FAMILY

- [ ] Adoption
  - [ ] Adoption – Foreign
- [ ] Adult Protection
- [ ] Annulment
  - [ ] Annulment – Counterclaim/Responsive Pleading
- [ ] Child Abuse and Neglect – Unfounded Complaint
- [ ] Civil Contempt
- [ ] Divorce (select one)
  - [ ] Complaint – Contested*
  - [ ] Complaint – Uncontested*
  - [ ] Counterclaim/Responsive Pleading
  - [ ] Reinstatement – Custody/Visitation/Support/Equitable Distribution
- [ ] Separate Maintenance
  - [ ] Separate Maintenance Counterclaim

WRITS

- [ ] Certiorari
- [ ] Habeas Corpus
- [ ] Mandamus
- [ ] Prohibition
- [ ] Quo Warranto

PROBATE/WILLS AND TRUSTS

- [ ] Accounting
- [ ] Aid and Guidance
- [ ] Appointment (select one)
  - [ ] Guardian/Conservator
  - [ ] Standby Guardian/Conservator
  - [ ] Custodian/Successor Custodian (UTMA)
- [ ] Trust (select one)
  - [ ] Impress/Declare/Create
  - [ ] Reformation
- [ ] Will (select one)
  - [ ] Construe
  - [ ] Contested

MISCELLANEOUS

- [ ] Amend Death Certificate
- [ ] Appointment (select one)
  - [ ] Church Trustee
  - [ ] Conservator of Peace
  - [ ] Marriage Celebrant
- [ ] Approval of Transfer of Structured Settlement
- [ ] Bond Forfeiture Appeal
- [ ] Declaratory Judgment
- [ ] Declare Death
- [ ] Driving Privileges (select one)
  - [ ] Reinstatement pursuant to § 46.2-427
  - [ ] Restoration – Habitual Offender or 3rd Offense
- [ ] Expungement
- [ ] Firearms Rights – Restoration
- [ ] Forfeiture of Property or Money
- [ ] Freedom of Information
- [ ] Injunction
- [ ] Interdiction
- [ ] Interrogatory
- [ ] Judgment Lien-Bill to Enforce
- [ ] Law Enforcement/Public Official Petition
- [ ] Name Change
- [ ] Referendum Elections
- [ ] Sever Order
- [ ] Taxes (select one)
  - [ ] Correct Erroneous State/Local
  - [ ] Delinquent
- [ ] Vehicle Confiscation
- [ ] Voting Rights – Restoration
- [ ] Other (please specify) .....

.....

[ ] Damages in the amount of $ ..... are claimed.

..... _____

DATE [ ] PLAINTIFF [ ] DEFENDANT [ ] ATTORNEY FOR [ ] PLAINTIFF [ ] DEFENDANT

.....

PRINT NAME

.....

ADDRESS/TELEPHONE NUMBER OF SIGNATOR

.....

.....

EMAIL ADDRESS OF SIGNATOR (OPTIONAL)

*"Contested" divorce means any of the following matters are in dispute: grounds of divorce, spousal support and maintenance, child custody and/or visitation, child support, property distribution or debt allocation. An "Uncontested" divorce is filed on no fault grounds and none of the above issues are in dispute.

Civil Action Type Codes
(Clerk's Office Use Only)

- Accounting ..... ACCT
- Adoption ..... ADOP
- Adoption – Foreign ..... FORA
- Adult Protection ..... PROT
- Aid and Guidance ..... AID
- Amend Death Certificate ..... ADC
- Annexation ..... ANEX
- Annulment ..... ANUL
- Annulment – Counterclaim/Responsive Pleading ..... ACRP
- Appeal/Judicial Review
  - ABC Board ..... ABC
  - Board of Zoning ..... ZONE
  - Compensation Board ..... ACOM
  - DMV License Suspension ..... JR
  - Employment Commission ..... EMP
  - Employment Grievance Decision ..... GRV
  - Local Government ..... GOVT
  - Marine Resources ..... MAR
  - School Board ..... JR
  - Voter Registration ..... AVOT
  - Other Administrative Appeal ..... AAPL
- Appointment
  - Conservator of Peace ..... COP
  - Church Trustee ..... AOCT
  - Custodian/Successor Custodian (UTMA) ..... UTMA
  - Guardian/Conservator ..... APPT
  - Marriage Celebrant ..... ROMC
  - Standby Guardian/Conservator ..... STND
- Approval of Transfer of Structured Settlement ..... SS
- Asbestos Litigation ..... AL
- Attachment ..... ATT
- Bond Forfeiture Appeal ..... BFA
- Child Abuse and Neglect – Unfounded Complaint ..... CAN
- Civil Contempt ..... CCON
- Claim Impleading Third Party Defendant – Monetary Damages/No Monetary Damages ..... CTP
- Complaint – (Miscellaneous) ..... COM
- Compromise Settlement ..... COMP
- Condemnation ..... COND
- Confessed Judgment ..... CJ
- Contract Action ..... CNTR
- Contract Specific Performance ..... PERF
- Counterclaim – Monetary Damages/No Monetary Damages CC
- Cross Claim ..... CROS
- Declaratory Judgment ..... DECL
- Declare Death ..... DDTH
- Detinue ..... DET
- Divorce
  - Complaint – Contested/Uncontested ..... DIV
  - Counterclaim/Responsive Pleading ..... DCRP
  - Reinstatement – Custody/Visitation/Support/ Equitable Distribution ..... CVS
- Driving Privileges
  - Reinstatement pursuant to § 46.2-427 ..... DRIV
  - Restoration – Habitual Offender or 3rd Offense ..... REST
- Ejectment ..... EJET
- Encumber/Sell Real Estate ..... RE
- Enforce Vendor's Lien ..... VEND
- Escheatment ..... ESC
- Establish Boundaries ..... ESTB
- Expungement ..... XPUN
- Forfeiture of Property or Money ..... FORF
- Freedom of Information ..... FOI
- Garnishment ..... GARN
- Injunction ..... INJ
- Intentional Tort ..... ITOR
- Interdiction ..... INTD
- Interpleader ..... INTP
- Interrogatory ..... INTR
- Judgment Lien – Bill to Enforce ..... LIEN
- Landlord/Tenant ..... LT
- Law Enforcement/Public Official Petition ..... LEP
- Mechanics Lien ..... MECH
- Medical Malpractice ..... MED
- Motor Vehicle Tort ..... MV
- Name Change ..... NC
- Other General Tort Liability ..... GTOR
- Partition ..... PART
- Permit, Unconstitutional Grant/Denial by Locality ..... LUC
- Petition – (Miscellaneous) ..... PET
- Product Liability ..... PROD
- Quiet Title ..... QT
- Referendum Elections ..... ELEC
- Reinstatement (Other than divorce or driving privileges) ..... REIN
- Removal of Case to Federal Court ..... REM
- Restore Firearms Rights – Felony ..... RFRF
- Restore Firearms Rights – Review ..... RFRR
- Separate Maintenance ..... SEP
- Separate Maintenance – Counterclaim/Responsive Pleading ..... SCRP
- Sever Order ..... SEVR
- Taxes
  - Correct Erroneous State/Local ..... CTAX
  - Delinquent ..... DTAX
- Termination of Mineral Rights ..... MIN
- Trust – Impress/Declare/Create ..... TRST
- Trust – Reformation ..... REFT
- Uniform Foreign Country Money Judgments ..... RFCJ
- Unlawful Detainer ..... UD
- Vehicle Confiscation ..... VEH
- Voting Rights – Restoration ..... VOTE
- Will Construction ..... CNST
- Will Contested ..... WILL
- Writs
  - Certiorari ..... WC
  - Habeas Corpus ..... WHC
  - Mandamus ..... WM
  - Prohibition ..... WP
  - Quo Warranto ..... WQW
- Wrongful Death ..... WD

SERVICE OF PROCESS

SPECIAL INSTRUCTIONS TO CLERK

Case No. _____

_____ **FORWARD** to the Sheriff of _____ County.

Please note: You must submit TWO copies of each document to be served per individual.

Names of persons to be served: _____

_____

_____

_____ **DO NOT** prepare service at this time

_____ **CALL** when service is ready at Phone Number _____

_____ **MAIL** document back in the self-addressed, stamped envelope provided

_____ **PLACE** service in Attorney Box Number _____

_____ **OTHER:** _____

_____

_____

_____
Signature

_____
Date

AFFIDAVIT FOR SERVICE OF PROCESS ON THE SECRETARY OF THE COMMONWEALTH

Case No. .....

Commonwealth of Virginia VA. CODE §§ 8.01-301, -310, -329; 55-218.1; 57-51

..... Circuit Court

..... v. .....

.....

.....

TO THE PERSON PREPARING THIS AFFIDAVIT: You must comply with the appropriate requirements listed on the back of this form.

Attachments: [ ] Summons and Complaint [ ] Notice
[ ] .....

I, the undersigned Affiant, state under oath that

[ ] the above-named defendant [ ] .....
whose last known address is [ ] same as above [ ] .....

1. [ ] is a non-resident of the Commonwealth of Virginia or a foreign corporation and Virginia Code § 8.01-328.1(A) applies (see NON-RESIDENCE GROUNDS REQUIREMENT on page 2).
2. [ ] is a person whom the party seeking service, after exercising due diligence, has been unable to locate (see DUE DILIGENCE REQUIREMENT ON BACK)

[ ] is the hearing date and time on the attached process or notice (if applicable).

..... _____
DATE [ ] PARTY [ ] PARTY'S ATTORNEY [ ] PARTY'S AGENT [ ] PARTY'S REGULAR AND *BONA FIDE* EMPLOYEE

State of ..... [ ] City [ ] County of .....

Acknowledged, subscribed and sworn to before me this day by .....
PRINT NAME OF SIGNATORY

..... _____
DATE [ ] CLERK [ ] MAGISTRATE [ ] NOTARY PUBLIC

Notary Registration No. ..... My commission expires: .....

[ ] Verification by the clerk of court of the date of filing of the certificate of compliance is requested. A self-addressed stamped envelope was provided to the clerk at the time of filing this Affidavit.

NOTICE TO THE RECIPIENT from the Office of the Secretary of the Commonwealth of Virginia:

You are being served with this notice and attached pleadings under Section 8.01-329 of the Code of Virginia which designates the Secretary of the Commonwealth as statutory agent for Service of Process. The Secretary of the Commonwealth's ONLY responsibility is to mail, by certified mail, return receipt requested, the enclosed papers to you. If you have any questions concerning these documents, you may wish to seek advice from a lawyer.

SERVICE OF PROCESS IS EFFECTIVE ON THE DATE WHEN SERVICE IS MADE ON THE SECRETARY OF THE COMMONWEALTH.

CERTIFICATE OF COMPLIANCE

I, the undersigned, Clerk in the Office of the Secretary of the Commonwealth, hereby certify the following:

1. On ....., legal service in the above-styled case was made upon the Secretary of the Commonwealth, as statutory agent for persons to be served in accordance with Section 8.01-329 of the Code of Virginia, as amended.

2. On ....., papers described in the Affidavit and a copy of this Affidavit were forwarded by certified mail, return receipt requested, to the party designated to be served with process in the Affidavit.

_____
SERVICE OF PROCESS CLERK, DESIGNATED
BY THE AUTHORITY OF THE SECRETARY OF THE COMMONWEALTH

NON-RESIDENCE GROUNDS REQUIREMENT:
If box number 1 is checked, insert the appropriate subsection number:

A court may exercise personal jurisdiction over a person, who acts directly or by an agent, as to a cause of action arising from the person's:

1. Transacting any business in this Commonwealth;

2. Contracting to supply services or things in this Commonwealth;

3. Causing tortious injury by an act or omission in this Commonwealth;

4. Causing tortious injury in this Commonwealth by an act or omission outside this Commonwealth if he regularly does or solicits business, or engages in any other persistent course of conduct, or derives substantial revenue from goods used or consumed or services rendered in this Commonwealth;

5. Causing injury in this Commonwealth to any person by breach of warranty expressly or impliedly made in the sale of goods outside this Commonwealth when he might reasonably have expected such person to use, consume, or be affected by the goods in this Commonwealth, provided that he also regularly does or solicits business, or engages in any other persistent course of conduct, or derives substantial revenue from goods used or consumed or services rendered in this Commonwealth;

6. Having an interest in, using, or possessing real property in this Commonwealth;

7. Contracting to insure any person, property, or risk located within this Commonwealth at the time of contracting;

8(ii). Having been ordered to pay spousal support or child support pursuant to an order entered by any court of competent jurisdiction in this Commonwealth having *in personam* jurisdiction over such person; or

10. Having incurred a liability for taxes, fines, penalties, interest, or other charges to any political subdivision of the Commonwealth.

DUE DILIGENCE REQUIREMENT:

If box number 2 is checked, the following provision applies:

When the person to be served is a resident, the signature of an attorney, party or agent of the person seeking service on such affidavit shall constitute a certificate by him that process has been delivered to the sheriff or to a disinterested person as permitted by § 8.01-293 for execution and, if the sheriff or disinterested person was unable to execute such service, that the person seeking service has been unable, after exercising due diligence, to locate the person to be served.

Using This Revisable PDF Form

1. Copies – contact the court to determine if you should bring copies to the Clerk's Office or if copies will be made upon filing.
    a. Original – to Secretary of the Commonwealth, then to party being served.
    b. First copy – to Secretary of the Commonwealth, then to the clerk of court.
    c. Additional copies as dictated by local practice.
2. Prepared by party seeking service of process through the Secretary of the Commonwealth.
3. Attachments
    a. Form CC-1000, SUMMONS.
    b. Complaint.
    c. Notice.
    d. Other attachment.
4. Preparation details
    a. Data element numbers 1 through 12 and 17 on page one of the form completed by person requesting service of process on the Secretary of the Commonwealth.
    b. Data element numbers 13 through 16 of page one of the form completed by person taking acknowledgment.
    c. Data element numbers 18 through 20 on page one of the form completed by designated person in the Office of the Secretary of the Commonwealth.
    d. Page two of the form is informational and does not require completion. Refer to page two of the form in completing data element numbers 8 and 9 on page one of the form.

AFFIDAVIT FOR SERVICE OF PROCESS ON THE SECRETARY OF THE COMMONWEALTH

Case No. 1

Commonwealth of Virginia VA. CODE §§ 8.01-301, -310, -329; 55-218.1; 57-51

2 Circuit Court

3 v. 4

TO THE PERSON PREPARING THIS AFFIDAVIT: You must comply with the appropriate requirements listed on the back of this form.

Attachments: 5 [ ] Summons and Complaint [ ] Notice [ ] .....

I, the undersigned Affiant, state under oath that

[ ] the above-named defendant [ ] .....

whose last known address is 7 [ ] same as above [ ] .....

1. [ ] is a non-resident of the Commonwealth of Virginia or a foreign corporation and Virginia Code § 8.01-328.1(A) applies (see NON-RESIDENCE GROUNDS REQUIREMENT on page 2).
2. [ ] is a person whom the party seeking service, after exercising due diligence, has been unable to locate (see DUE DILIGENCE REQUIREMENT ON BACK)

10 is the hearing date and time on the attached process or notice (if applicable).

11 DATE

12 [ ] PARTY [ ] PARTY'S ATTORNEY [ ] PARTY'S AGENT [ ] PARTY'S REGULAR AND *BONA FIDE* EMPLOYEE

State of 13 [ ] City [ ] County of 14

Acknowledged, subscribed and sworn to before me this day by .....
PRINT NAME OF SIGNATORY

15 DATE

16 [ ] CLERK [ ] MAGISTRATE [ ] NOTARY PUBLIC

Notary Registration No. ..... My commission expires: .....

7 [ ] Verification by the clerk of court of the date of filing of the certificate of compliance is requested. A self-addressed stamped envelope was provided to the clerk at the time of filing this Affidavit.

NOTICE TO THE RECIPIENT from the Office of the Secretary of the Commonwealth of Virginia:

You are being served with this notice and attached pleadings under Section 8.01-329 of the Code of Virginia which designates the Secretary of the Commonwealth as statutory agent for Service of Process. The Secretary of the Commonwealth's ONLY responsibility is to mail, by certified mail, return receipt requested, the enclosed papers to you. If you have any questions concerning these documents, you may wish to seek advice from a lawyer.

SERVICE OF PROCESS IS EFFECTIVE ON THE DATE WHEN SERVICE IS MADE ON THE SECRETARY OF THE COMMONWEALTH.

CERTIFICATE OF COMPLIANCE

I, the undersigned, Clerk in the Office of the Secretary of the Commonwealth, hereby certify the following:

1. On 18, legal service in the above-styled case was made upon the Secretary of the Commonwealth, as statutory agent for persons to be served in accordance with Section 8.01-329 of the Code of Virginia, as amended.
2. On 19, papers described in the Affidavit and a copy of this Affidavit were forwarded by certified mail, return receipt requested, to the party designated to be served with process in the Affidavit.

20
SERVICE OF PROCESS CLERK, DESIGNATED
BY THE AUTHORITY OF THE SECRETARY OF THE COMMONWEALTH

Data Elements

1. Court case number.
2. Court name.
3. Name and address of plaintiff.
4. Name and address of defendant.
5. Description of attached document being served through the Secretary of the Commonwealth. Check the appropriate box.
6. Check the appropriate box and, if applicable, insert name of person to be served.
7. Address of person to be served. Check the appropriate box and, if applicable, insert address.
8. If service is through the Secretary of the Commonwealth because the person is a non-resident, check this box and insert the appropriate number from the list on the back of the form in the blank space beside "§ 8.01-328.1(A)."
9. If service is through the Secretary of the Commonwealth because of an inability to locate the person to be served, check this box.
10. Return date, if applicable, on the attached document.
11. Date of signing.
12. Signature of requesting party. Check the appropriate box below the signature line.

To be completed by person acknowledging signature of requesting party:

13. State in which acknowledgment is taken.
14. Locality in which acknowledgment is taken. Check the applicable box.
15. Date of acknowledgment.
16. Signature of person taking acknowledgment. Check the appropriate title box; if acknowledged by a notary public, include expiration date of commission and insert registration number.

17. If requesting verification by the clerk of the court of the filing of the certificate of compliance, check this box and provide a self-addressed stamped envelope to the clerk.

To be completed by service of process clerk:

18. Date affidavit and document received by Secretary of the Commonwealth.
19. Date affidavit, pleading, and a copy of this affidavit mailed by certified mail, return receipt requested, by Secretary of the Commonwealth.
20. Signature of person executing Certificate of Compliance in Office of the Secretary of the Commonwealth.

NON-RESIDENCE GROUNDS REQUIREMENT:
If box number 1 is checked, insert the appropriate subsection number:

A court may exercise personal jurisdiction over a person, who acts directly or by an agent, as to a cause of action arising from the person's:

1. Transacting any business in this Commonwealth;

2. Contracting to supply services or things in this Commonwealth;

3. Causing tortious injury by an act or omission in this Commonwealth;

4. Causing tortious injury in this Commonwealth by an act or omission outside this Commonwealth if he regularly does or solicits business, or engages in any other persistent course of conduct, or derives substantial revenue from goods used or consumed or services rendered in this Commonwealth;

5. Causing injury in this Commonwealth to any person by breach of warranty expressly or impliedly made in the sale of goods outside this Commonwealth when he might reasonably have expected such person to use, consume, or be affected by the goods in this Commonwealth, provided that he also regularly does or solicits business, or engages in any other persistent course of conduct, or derives substantial revenue from goods used or consumed or services rendered in this Commonwealth;

6. Having an interest in, using, or possessing real property in this Commonwealth;

7. Contracting to insure any person, property, or risk located within this Commonwealth at the time of contracting;

8(ii). Having been ordered to pay spousal support or child support pursuant to an order entered by any court of competent jurisdiction in this Commonwealth having *in personam* jurisdiction over such person; or

10. Having incurred a liability for taxes, fines, penalties, interest, or other charges to any political subdivision of the Commonwealth.

DUE DILIGENCE REQUIREMENT:

If box number 2 is checked, the following provision applies:

When the person to be served is a resident, the signature of an attorney, party or agent of the person seeking service on such affidavit shall constitute a certificate by him that process has been delivered to the sheriff or to a disinterested person as permitted by § 8.01-293 for execution and, if the sheriff or disinterested person was unable to execute such service, that the person seeking service has been unable, after exercising due diligence, to locate the person to be served.

SOP-19.1
(12/17)

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION

SERVICE OF PROCESS, NOTICE, ORDER OR DEMAND ON THE CLERK OF THE STATE CORPORATION COMMISSION AS STATUTORY AGENT

1. Service on the Clerk of the State Corporation Commission relates to the following proceeding:

   Style of Proceeding: _____
   (e.g. name of the plaintiff vs. name of the defendant, or In the matter of..., etc.)

   Proceeding Pending in: _____
   (Jurisdiction) (Name of Court or Tribunal)

   Court's Case / Matter No.: _____

   Court's Address: _____
   (Mailing Address)

2. Service on the Clerk of the State Corporation Commission is being made pursuant to Virginia Code §§ 12.1-19.1 and **(mark the appropriate box):** [See the Instructions for more information.]

☐ 13.1-637 B	☐ 13.1-928 B	☐ 38.2-801	☐ 50-73.58:1 C
☐ 13.1-758 F	☐ 13.1-929 E	☐ 38.2-809	☐ 50-73.59 E
☐ 13.1-766 B	☐ 13.1-930 D	☐ 38.2-1216	☐ 50-73.134 F
☐ 13.1-767 E	☐ 13.1-1018 B	☐ 38.2-5103	☐ 50-73.135 G
☐ 13.1-768 D	☐ 13.1-1056 D	☐ 50-73.7 B	☐ 50-73.139
☐ 13.1-836 B	☐ 13.1-1056.1 C	☐ 50-73.58 D	☐ 50-73.140
☐ 13.1-920 E	☐ 13.1-1057 E		

☐ Other Virginia Code section or statutory authority (specify): _____

3. Pursuant to the foregoing legal authority, the Clerk of the Commission is being served as statutory agent of _____,
   (name of defendant / business entity)

   whose mailing address for this service of process is [One address per form. See Instructions.]

   _____.
   (number / street, P.O. Box, Rural Route, etc.) (city or town) (state) (zip code)

4. The Clerk's Office should mail its receipt (or rejection letter) to:

   Name: _____

   Attn: _____

   Address: _____
   (number / street, P.O. Box, Rural Route, etc.) (city or town) (state) (zip code)

   Telephone No: _____ (optional) Email: _____ (optional)

THREE COPIES OF THIS FORM MUST BE SUBMITTED WITH TWO COPIES OF THE PAPERS TO BE SERVED

REVIEW THE INSTRUCTIONS BEFORE SUBMITTING THIS FORM

INSTRUCTIONS TO FORM SOP-19.1

Whenever by statute the Clerk of the State Corporation Commission is appointed or deemed to have been appointed the agent of any individual, corporation, limited partnership or other entity ("defendant") for the purpose of service of any process, notice, order or demand ("process"), service on the Clerk shall be made by leaving two copies of the process for each defendant at each address, together with payment for the requisite fee(s), in the Office of the Clerk of the Commission. The party seeking service shall recite the statute or other authority pursuant to which process is being served and shall include the mailing address of each defendant. A fee of $30.00 for service on each defendant at each address must accompany the papers to be served. See § 12.1-19.1 of the Code of Virginia.

This form can be downloaded from our website at www.scc.virginia.gov/clk/svcproc.aspx.

Section 1: If the requested service relates to a pending proceeding, indicate the style of the proceeding (i.e., plaintiff(s) versus defendant(s)) or the short style of the proceeding (i.e., first plaintiff, et al. vs. first defendant, et al.); the name of the court or tribunal including its geographical designation (i.e., jurisdiction); the case or matter number of proceeding; and the court's mailing address. The Clerk's certificate of compliance will be mailed to the listed court or tribunal. If the requested service does not relate to a proceeding, set forth the name and address of the person to whom the Clerk of the Commission should mail the certificate of compliance.

Section 2: Mark the applicable Virginia Code section under which service is being made on the Clerk of the Commission. Only mark one box. If the applicable statutory authority is not listed, mark the "Other Virginia Code section or statutory authority" box and specify the applicable statute. See Schedule A, below, for a list of Virginia Code sections that are frequently, and less frequently, cited when service is made on the Clerk of the Commission.

Section 3: Provide the name of the defendant who is being served through the Clerk of the Commission. If two or more defendants are being so served, use a separate form for each defendant. Set forth the address where the Clerk of the Commission is to mail the process to the named defendant. **If a copy of the process is to be mailed to a defendant at two or more addresses, use a separate form (and provide a separate fee, with requisite copies) for each address.**

List the defendant's last known mailing address. If that address is not known, the following address should be used:

Domestic corporations: the principal office address or, if no such address is on record with the Commission, the address of any officer or director of the corporation.

Foreign corporations authorized to transact business in Virginia: the principal office address, or if no such address is on record with the Commission, the address of any officer or director of the corporation, or, in case of withdrawal from this Commonwealth, the address shown in the application for withdrawal or any change thereto.

Domestic and foreign limited partnerships on record with the Commission: the principal office address or, if no such address is on record with the Commission, the address of any general partner or the address listed in a foreign limited partnership's application for cancellation or any change thereto.

Individuals and other entities (including limited liability companies) on record with the Commission: the address set forth in any document on record with the Commission which is required or permitted to be filed by or on behalf of the defendant.

Section 4: Set forth the name and address to which the Clerk of the Commission is to mail (i) a receipt for the fee received, along with a copy of the Clerk's certificate of compliance, or (ii) a letter explaining why service was not accepted. Note, however, that upon request of the sheriff or other process server who serves the Clerk, a rejection letter, if one is issued, will be given to that process server.

Deliver **three copies of this form** and **two copies of the process** (i.e., the papers to be served) to the Clerk of the State Corporation Commission, P.O. Box 1197, Richmond, Virginia 23218-1197, (Street address: 1300 East Main Street, Tyler Building, 1st floor, Richmond, Virginia 23219), along with a check in the amount of **$30.00** made payable to the State Corporation Commission. **DO NOT SEND CASH.** If you have any questions, call the Clerk's Office at (804) 371-9733 or toll-free in Virginia, 1-866-722-2551.

Revised: December 4, 2017

Schedule A

The following tables identify the sections of the Code of Virginia that specify when the Clerk of the Commission is deemed to be the statutory agent of the business entities or business groups described below. This list is not exhaustive. The Code of Virginia may be accessed online at http://law.lis.virginia.gov/vacode.

Most frequently cited: (Mark the applicable box in Section 2 of Form SOP-19.1.)

Entity or Business Sector	Circumstance or Business Group	Va. Code Section
Virginia Stock Corporation	Registered agent cannot be found	13.1-637 B
Foreign Stock Corporation	Transacting business in Virginia without a certificate of authority	13.1-758 F
	Registered agent cannot be found	13.1-766 B
	Authority to transact business in Virginia was voluntarily withdrawn	13.1-767 E
	Authority to transact business in Virginia was automatically revoked	13.1-768 D
Virginia Nonstock Corporation	Registered agent cannot be found	13.1-836 B
Foreign Nonstock Corporation	Transacting business in Virginia without a certificate of authority	13.1-920 E
	Registered agent cannot be found	13.1-928 B
	Authority to transact business in Virginia was voluntarily withdrawn	13.1-929 E
	Authority to transact business in Virginia was automatically revoked	13.1-930 D
Virginia Limited Liability Company	Registered agent cannot be found	13.1-1018 B
Foreign Limited Liability Company	Registered agent cannot be found	13.1-1018 B
	Registration to transact business in Virginia was voluntarily canceled	13.1-1056 D
	Registration to transact business in Va. was automatically canceled	13.1-1056.1 C
	Transacting business in Virginia without a certificate of registration	13.1-1057 E
Virginia Limited Partnership	Registered agent cannot be found	50-73.7 B
Foreign Limited Partnership	Registered agent cannot be found	50-73.7 B
	Registration to transact business in Virginia was voluntarily canceled	50-73.58 D
	Registration to transact business in Va. was automatically canceled	50-73.58:1 C
	Transacting business in Virginia without a certificate of registration	50-73.59 E
Virginia Registered Limited Liability Partnership	Registered agent cannot be found	50-73.135 G
Foreign Registered Limited Liability Partnership	Transacting business in Virginia without a certificate of registration	50-73.134 F
	Registered agent cannot be found	50-73.135 G
	Registration to transact business in Virginia was voluntarily canceled	50-73.139
	Transacting business in Virginia without a certificate of registration	50-73.140
Insurance	Unlicensed Insurers, including Surplus Lines Insurers	38.2-801
	Unlicensed Nonresident Insurance Brokers and Agents	38.2-809
	Reciprocal Insurers, if a power of attorney is filed with the Commission	38.2-1216
	Nonresident risk retention groups	38.2-5103

NOTE: The Clerk of the State Corporation Commission is not an agent for service of process on a Virginia limited partnership formed prior to January 1, 1987, unless it has filed an amended and restated certificate of limited partnership with the Commission pursuant to § 50-73.77 C of the Code of Virginia. See § 50-73.77 E of the Code of Virginia.

Schedule A is continued on the next page.

Schedule A (Continued)

Less frequently cited: (Mark the "Other" box in Section 2 and provide the applicable Virginia Code section.)

Entity or Business Sector	Circumstance or Business Group	Va. Code Section
Foreign Stock Corporation	Formerly incorporated as a Virginia Stock Corporation	13.1-722.5 A 6
	Authority to transact business in Virginia was involuntarily revoked	13.1-769 E
Foreign Nonstock Corporation	Formerly incorporated as a Virginia Nonstock Corporation	13.1-898.5 A 7
	Authority to transact business in Virginia was involuntarily revoked	13.1-931 E
Foreign Limited Liability Company	Registration to transact business in Va. was involuntarily canceled	13.1-1056.2 D
	Formerly organized as a Virginia Limited Liability Company	13.1-1078 A 6
Foreign Limited Partnership	Registration to transact business in Va. was involuntarily canceled	50-73.58:2 D
Virginia Business Trust	Registered agent cannot be found	13.1-1223 B
Foreign Business Trust	Registered agent cannot be found	13.1-1223 B
	Registration to transact business in Virginia was voluntarily canceled	13.1-1246 A 4
	Registration to transact business in Va. was automatically canceled	13.1-1246.1 C
	Registration to transact business in Va. was involuntarily canceled	13.1-1246.2 D
	Transacting business in Virginia without a certificate of registration	13.1-1247 E
	Formerly organized as a Virginia Business Trust	13.1-1269 A 7
Foreign Stock or Nonstock Corporation, Limited Liability Company, Limited Partnership, or Business Trust	Survivor of a merger with a Virginia Stock Corporation	13.1-721 C 1
	Survivor of a merger with a Virginia Nonstock Corporation	13.1-897 B
	Survivor of a merger with a Va. partnership or limited partnership	50-73.129 B
Unincorporated Association	Principal office outside of Virginia and transacts business in Virginia	8.01-306
Insurance	Insurance-support organizations	38.2-616
	Unlicensed public adjusters	38.2-813
	Unlicensed foreign or alien insurers	38.2-1039
	Reciprocals doing business in Virginia	38.2-1217 C
	Reinsurance intermediary brokers	38.2-1348 E
	Managing general agents	38.2-1359 G
	Insurance agents	38.2-1819 C
	Insurance consultants	38.2-1838 B 3
	Public adjusters	38.2-1845 2
	Surplus lines brokers	38.2-1857 2
	Viatical settlement brokers	38.2-1865 1
	Purchasing groups	38.2-5108
	Nonresident viatical settlement providers	38.2-6002 E
Securities and Retail Franchising	Nonresidents registered as a broker-dealer, investment advisor, or investment advisor representative or agent	13.1-517
	Nonresident issuers who sell in Virginia a security that has been registered with the Virginia State Corporation Commission	13.1-517
	Nonresident, non-corporate franchisors who sell or offer to sell a franchise registered with the Commission and nonresident franchisors whose franchise is sold or offered to be sold in Virginia.	13.1-566
Miscellaneous	Insurer of shares of an out-of-state credit union	6.2-1379
	Labor unions and organizations, if the Clerk of the Commission is appointed as an agent by a power of attorney that has been filed with the Department of Labor and Industry and the Commission.	40.1-68
	Tobacco products distributor with no registered agent in Virginia	58.1-1021.04:1 B
	Nonresident registrant of a trademark or service mark with the SCC	59.1-92.14

VIRGINIA IN THE _____ CASE NO. _____

_____ COURT
Name of Court

_____
Address of Court

_____ v. _____
Plaintiff Defendant

AFFIDAVIT FOR SERVICE OF PROCESS ON THE VIRGINIA DEPARTMENT OF MOTOR VEHICLES – MOTOR VEHICLE ACCIDENT

I, the undersigned Affiant, state under oath that:

the above-named Defendant, [ ] whose last known address is

_____; or,

[ ] the Defendant's address is unknown (by me).

1. Plaintiff claims that the Defendant operated a motor vehicle in the Commonwealth of Virginia on or about _____ that was involved in an accident; and
   Date

2. _____ is the return date on the attached [ ] warrant, [ ] motion for judgment or [ ] notice. See Virginia Code § 16.1-79 or § 16.1-81.
   Date

3. [ ] Upon information and belief, the Defendant is a nonresident, licensed by the Commonwealth to operate a vehicle; whose last known address is,

   _____;
   Virginia Code § 8.0 1-313(1)

4. [ ] Upon information and belief, the Defendant is a non-resident of the Commonwealth of Virginia, not licensed by the Commonwealth to operate a vehicle, and Virginia Code § 8.01-313(2) applies; or,

5. [ ] The Defendant is a person whom the Plaintiff, after exercising due diligence, has been unable to locate, and Virginia Code § 8.01-293 applies.

_____ _____

Printed Name of the Affiant Signature of the Affiant

VIRGINIA

CITY/COUNTY OF _____, TO-WIT:

Name of City/County

SUBSCRIBED AND SWORN BEFORE ME ON _____

Date

_____

Notary Public

_____

Virginia Registration No.

My Commission expires: _____

Date

[Seal]

Attachment(s) [warrant, motion for judgment or notice]

VIRGINIA:

IN THE CIRCUIT COURT OF PRINCE WILLIAM COUNTY

_____
Plaintiff

Case No. _____

v.

_____
Defendant

Motion's Day Praecipe/Notice

The Clerk of said Court will please place the above-referenced case on the Civil Motion's Day docket to be called on Friday _____, 20___ at 10:00 a.m., for the following action:

_____

_____

_____
SIGNATURE
Printed Name: _____
Address: _____
Phone: _____

CERTIFICATE OF SERVICE:

☐ I CERTIFY that I have in good faith conferred or attempted to confer with other affected parties in an effort to resolve the subject of the motion without Court action and to determine a mutually agreeable hearing date and time, pursuant to Rule 4:15(b) of the Rules of the Supreme Court of Virginia.

☐ I CERTIFY that on the _____ day of _____, 20___, I sent a copy of the foregoing to opposing party/counsel by ___ Mail ___ Fax ___ Hand Delivery.
List the name, address, phone number for opposing party/counsel:

_____

_____
SIGNATURE
Printed Name: _____
Address: _____
Phone: _____

Mail or Deliver original to:
Clerk of the Circuit Court
9311 Lee Ave, Rm 314
Manassas, VA 20110
(703) 792-6029

VIRGINIA:

IN THE CIRCUIT COURT OF THE COUNTY OF PRINCE WILLIAM

_____, Plaintiff(s) Case No. _____

vs.

_____, Defendant(s)

CIVIL TERM DAY PRAECIPE

I certify that the above styled cause is matured for trial on the merits and request the Clerk to place it on the Docket to be called _____, 20____ at **2:00 PM** to be set for trial **without ( ) with ( ) a Jury.**

Dated this _____ day of _____, 20____.

Name_____

Address_____

_____

Phone #_____

Counsel for _____

or Pro Se Party

CERTIFICATE OF SERVICE

I certify that on the _____ day of _____, 20_____, I mailed or delivered a true copy of the foregoing Civil Term Day Praecipe to all counsel of record herein pursuant to the provisions of Rule 1:12, of the Supreme Court of Virginia; and served a true copy upon parties not represented by counsel, if any.

_____

Counsel for _____
or
Pro se party

VIRGINIA:

IN THE CIRCUIT COURT FOR THE 31ST JUDICIAL CIRCUIT

CR 17-874

STANDING ORDER ESTABLISHING PROCEDURES FOR ENTRY OF PRETRIAL SCHEDULING ORDERS AND SETTING *PRETRIAL CONFERENCES IN CERTAIN CASES*

In an effort to more efficiently manage the trial docket it is hereby **ORDERED** that contemporaneously with setting the trial date a Pretrial Scheduling Order shall be entered pursuant to Rule 1:18 in every civil case set for trial by jury and in all contested domestic relations cases. In addition, a Pretrial Conference to be held pursuant to *Rules 1:19 and 4:13 will* be scheduled all such cases at the time the Pretrial Scheduling Order is entered. A Pretrial Scheduling Order may be entered and a Pretrial Conference may be scheduled in any other case in the discretion of the court. Contested domestic relations cases include, but are not limited to, all cases involving contested grounds of divorce, custody, visitation, child support, spousal support and/or equitable distribution, including any such cases appealed to this court. The Pretrial Conference shall be held approximately 30 to 45 days before the trial.

The following rules apply to all Pretrial Conferences: All counsel shall attend the Pretrial Conference in person unless excused for hardship by a judge of this court. In all contested domestic relations cases, the parties shall also attend the conference in person unless excused for hardship by a judge of this court. Any request to be excused from attending the conference in person for hardship must be made in writing explaining the reasons for the request and filed with the court at least 10 days in advance of the conference with a courtesy copy to Judges Chambers. A judge will enter an order granting or denying the request. If the request is granted, the order will require counsel and/or the party to appear by telephone at the conference.

At the Pretrial Conference, counsel and any pro se parties shall be prepared to address those items listed in Rules 1:19 and 4:13 of the Rules of the Supreme Court of Virginia and in the Pretrial Conference Agenda which is attached hereto and incorporated herein

ENTERED this 29th day of November, 2017.

CARROLL A. WEIMER, JR.
Chief Judge

CRAIG D. JOHNSTON
Circuit Court Judge

TRACY C. HUDSON
Circuit Court Judge

STEVEN S. SMITH
Circuit Court Judge

KIMBERLY A. IRVING
Circuit Court Judge

PRETRIAL CONFERENCE AGENDA

1. The status of trial preparation and whether the parties will be ready for trial as scheduled
2. Current number of trial days allotted, whether it should be extended or shortened and allocation of time within the trial
3. Identification of issues still in dispute and whether any issues raised in the pleadings have been resolved by agreement
4. Stipulations as to any facts, exhibits, proffered testimony or other matters
5. Status of discovery and the exchange of items required by the Pretrial Scheduling Order including exhibits and witness lists and equitable distribution schedules
6. The need for a court reporter for the trial and the party responsible for securing the same
7. Special requirements of the parties or the case such as disability access for parties or witnesses, the need for special audio/visual equipment, an unusually large volume of exhibits or the summoning of an unusually large jury pool or the summoning of condemnation commissioners
8. Setting a hearing date and briefing schedule for final pretrial motions such as motions in limine, motions to overrule objections to deposition testimony to be used at trial and motions for summary judgment
9. Whether the case should be assigned to a Judge for trial and further motions
10. Whether there are objections to any experts, the scope of an expert's testimony, the number of experts and any scheduling issues for experts
11. Any other matters that may aid in the disposition and efficient trial of the case including any items set out in Rule 4:13 of the Rules of the Supreme Court of Virginia.

12. The court shall make an order which recites the action taken at the conference, the amendments allowed to the pleadings, the agreements made by the parties as to any of the matters considered, and which limits the issues for trial to those not disposed of by admissions or agreements of counsel; and such order when entered shall control the subsequent course of the action, unless modified at the trial to prevent manifest injustice.

VIRGINIA:

IN THE THIRTY-FIRST JUDICIAL CIRCUIT COURT

_____
Plaintiff,

v. Case No. _____

_____
Defendants.

UNIFORM PRETRIAL SCHEDULING ORDER

It is **ORDERED** that:

I. Trial: The trial date is _____ at _____ a.m. (with a jury) (without a jury). The estimated length of trial is _____.

II. Pretrial Conference: A Pretrial Conference is scheduled for Thursday, _____ at 1:00 p.m. The Pretrial Conference will be conducted in accordance with Rule 4:13 of the Rules of the Supreme Court of Virginia. Counsel shall be prepared to address the items listed in Rule 4:13.

III. Court Reporter: The court does not provide a court reporter for civil trials and motions. The Court, in its discretion, may require a court reporter in <u>any</u> civil case. The court requires a court reporter in every civil case set for trial by jury, all bench trials scheduled for more than one day and in all contested domestic relations cases. In such cases, the moving party is to arrange for and ensure that a court reporter is present at all times for the trial. The court will determine at the final hearing how much, if any, reimbursement will be made to that party by the other party or parties.

IV. Discovery: The parties shall complete discovery, including depositions, by **thirty** days before trial; however, depositions takin in lieu of live testimony at trial will be permitted until **fifteen** days before trial. "Complete" means that all interrogatories, requests for production, requests for admissions, and other discovery must be served sufficiently in advance of trial to

allow a timely response of at least **thirty** days before trial. Depositions may be taken after the specified time period by agreement of counsel of record or for good cause shown, provided however, that the taking of a deposition after the deadline established herein shall not provide a basis for continuance of the trial date or the scheduling of motions inconsistent with the normal procedures of the Court. The parties have a duty to seasonably supplement and amend discovery responses pursuant to Rule 4:1(c) of the Rules of the Supreme Court of Virginia. "Seasonably" means as soon as practical. No provision of this order supersedes the Rules of the Supreme Court of Virginia governing discovery. Any discovery motions filed shall contain a certification that counsel has made a good faith effort to resolve the matters set forth in the motion with opposing counsel.

V. Designation of Experts: If requested in discovery, plaintiff's, counter-claimant's, third-party plaintiff's, and cross-claimant's experts shall be identified on or before **ninety** days before trial. If requested in discovery, defendant's experts and all other opposing experts shall be identified on or before **sixty** days before trial. If requested in discovery, experts or opinions responsive to new matters raised in the opposing parties' identification of experts shall be designated no later than **forty-five** days before trial. If requested, all information discoverable under Rule 4:1(b)(4)(A)(1) of the Rules of the Supreme Court of Virginia shall be provided or the expert will not ordinarily be permitted to express any non-disclosed opinions at trial. The foregoing deadlines shall not relieve a party of the obligation to response to discovery requests within the time periods set forth in the Rules of the Supreme Court of Virginia including, in particular, the duty to supplement or amend prior responses pursuant to Rule 4:1(c).

VI. Dispositive Motions: All dispositive motions shall be presented to the Court for hearing as far in advance of the trial date as practical. All counsel of record are encouraged to bring on for hearing all demurrers, special pleas, motions for summary judgment, or other dispositive motions not more than **sixty** days after being filed.

VII. Exhibits and Witness Lists: Counsel of record shall exchange **fifteen** days before trial a list specifically identifying each exhibit to be introduced at trial, copies of any exhibits not

previously supplied in discovery, and a list of witnesses proposed to be introduced at trial. The lists of exhibits and witnesses shall be filed with the Clerk of the Court simultaneously therewith but the exhibits shall not then be filed. Any exhibit or witnesses not so identified and filed will not be received in evidence, except in rebuttal or for impeachment or unless the admission of such exhibit or testimony of the witness would cause no surprise or prejudice to the opposing party and the failure to list the exhibit or witness was through inadvertence. Any objections to exhibits or witnesses shall state the legal reasons therefore except on relevancy grounds, and shall be filed with the Clerk of the Court and a copy delivered to opposing counsel at least **five** days before trial or the objections will be deemed waived absent leave of Court for good cause shown.

VIII. Witness Subpoenas: Early filing of a request for witness subpoenas is encouraged so that such subpoenas may be served at least **ten** days before trial.

IX. Continuances: Continuances are discouraged and will only be granted by the Court for good cause shown. In the event of a continuance a new Pretrial Scheduling Order will be entered.

X. *Motions in Limine*: Counsel are encouraged to set motions in *limine* on a Friday Motion's Day as early as possible. Absent leave of Court, any motion *in limine* which required argument exceeding five minutes shall be filed the day of the Pretrial Conference. If not heard before the Pretrial Conference, the hearing will be set for at the Pretrial Conference.

XI. Jury Instructions: Counsel of record, unless compliance is waived by the Court, shall exchange proposed jury instructions **two** business days before a civil jury trial date. At the commencement of trial, counsel of record shall tender to the Court the originals of all citations. This requirement shall not preclude the offering of additional instructions at the trial.

XII. Deposition Transcripts to be Used at Trial: Counsel of record shall confer and attempt to identify and resolve all issues regarding the use of depositions at trial. It is the

obligation of the proponent of any deposition of any non-party witness who will not appear at trial to advise opposing counsel of record of counsel's intent to use all or a portion of the deposition at trial at the earliest reasonable opportunity. It becomes the obligation of the opponent of any such deposition to being any objection or other unresolved issues to the Court for hearing before day of trial.

XIII. Waiver or Modification of Terms or Order: Upon motion, the time limits and prohibitions contained in this order may be waived or modified by leave of Court for good cause shown.

ENTERED_____ _____

CIRCUIT COURT JUDGE

_____ _____

Counsel for Plaintiff or Pro Se Counsel for Defendant or Pro se

SET BY:

_____Court_____

_____Phone_____

_____Term_____

Name: _____, VSB#_____
Address: _____
_____
Phone: (____) _____
FAX: (____) _____
Email: _____

Name: _____, VSB#_____
Address: _____
_____
Phone: (____) _____
FAX: (____) _____
Email: _____

IN THE EVENT OF SETTLEMENT OR VOLUNTARY DISMISSAL, PLEASE NOTIFY THE COURT **IMMEDIATELY** BY CALLING (703) 792-6171 OR BY FACSIMILE AT (703) 792-6371

PLACE REQUESTS FOR INTERPRETERS NO LATER THAN 14 DAYS IN ADVANCE OF TRIAL.

THREE BUSINESS DAYS BEFORE THE TRIAL CALL (703) 792-6013 TO GIVE THE COURT A TIME ESTIMATE FOR TRIAL.

VIRGINIA:

IN THE THIRTY-FIRST JUDICIAL CIRCUIT COURT

_____
Plaintiff,

v. Case No. _____

_____
Defendants.

UNIFORM PRETRIAL SCHEDULING ORDER IN EMINENT DOMAIN PROCEEDINGS

I. Trial

The trial date is scheduled for _____, commencing at_____a.m., before _____a freeholder jury,_____panel of commissioners or_____bench trial (select applicable option). The estimated length of trial is_____days. If the case is set before a panel of commissioners, each party shall submit nominations of at least six (6) qualified persons on or before_____ so that at least nine (9) commissioners and two (2) alternates can be summoned for trial. Counsel for petitioner shall prepare and submit a sketch order for the court's use in appointing and summoning commissioners for trial.

II. Discovery

The parties shall complete discovery, including depositions, by 30 days before trial; however, depositions taken in lieu of live testimony at trial will be permitted until 15 days before trial. "Complete" means that all interrogatories, requests for production, requests for admissions and other discovery must be served sufficiently in advance of trial to allow a timely response at least 30 days before trial. Depositions may be taken after the specified time period by agreement of counsel of record or for good cause shown, provided however, that the taking of a deposition after the deadline established herein shall not provide a basis for continuance of the trial date or the scheduling of motions inconsistent with the normal procedures of the court. The parties have a duty to seasonably supplement and amend discovery responses pursuant to Rule 4:1(e) of the Rules of Supreme Court of Virginia. Seasonably means as soon as practical. No provision of this Order supersedes the Rules of Supreme Court of Virginia governing discovery. Any discovery motion filed shall contain a certification that counsel has made a good faith effort to resolve the matters set forth in the motion with opposing counsel.

III. Court Reporter

The court does not provide a court reporter for motions and trials. The litigant who chooses to hire a court reporter must make the appropriate arrangements with a court reporting service and bears the cost thereof absent an agreement or order to the contrary. Parties interested in making a contemporaneous record of the proceedings are highly encouraged to obtain a court reporter, as recollections often differ or are incomplete. The Court, in its discretion, may require a court reporter in any civil case to include the pendent lite hearings. The court requires a court reporter in every civil case set for trial by jury and in all contested domestic relations cases. In the event no party has provided for recordation of proceedings, the Court may in its discretion require that the hearing be postponed until means for recordation can be provided.

IV. Designation of Experts

If requested in discovery, petitioner's experts shall be identified on or before 120 days before trial. If requested in discovery, defendant's and all other opposing experts shall be identified on or before 90 days before trial. If requested in discovery, experts or opinions responsive to new matters raised in the opposing parties' identification of experts shall be designated no later than 60 days before trial. If requested, all information discoverable under Rule 4:1(b)(4)(A)(i) of the Rules of Supreme Court of Virginia shall be provided. An expert will not ordinarily be permitted to express any nondisclosed opinions at trial. The foregoing deadlines shall not relieve a party of the obligation to respond to discovery requests within the time periods set forth in the Rules of Supreme Court of Virginia, including, in particular, the duty to supplement or amend prior responses pursuant to Rule 4: 1(e).

V. Dispositive Motions

All dispositive motions shall be presented to the court for hearing as far in advance of the trial date as practical. All counsel of record are encouraged to bring on for hearing all demurrers, special pleas, motions for summary judgment or other dispositive motions not more than 60 days after being filed.

VI. Exhibit and Witness List

Counsel of record shall exchange 15 days before trial a list specifically identifying each exhibit to be introduced at trial, copies of any exhibits not previously supplied in discovery, and a list of witnesses proposed to be introduced at trial. The lists of exhibits and witnesses shall be filed with the Clerk of the Court simultaneously therewith but the exhibits shall not then be filed. Any exhibit or witness not so identified and filed will not be received in evidence, except in rebuttal or for impeachment or unless the admission of such exhibit or testimony of the witness would cause no surprise or prejudice to the opposing party and the failure to list the exhibit or witness was through inadvertence. Any objections to exhibits or witnesses shall state the legal reasons therefor except on relevancy grounds, and shall be filed with the Clerk of the Court and a copy delivered to opposing counsel at least five days before trial or the objections will be deemed waived

absent leave of court for good cause shown.

VII. Pretrial Conferences

Pursuant to Rule 4:13 of the Rules of Supreme Court of Virginia, when requested by any party or upon its own motion, the court may order a pretrial conference wherein motions in limine, settlement discussions or other pretrial motions which may aid in the disposition of this action can be heard.

VIII. Motions in Limine

Counsel are encouraged to set motions in *limine* on a Friday Motion's Day as early as possible. Absent leave of Court, any motion *in limine* which required argument exceeding five minutes shall be filed the day of the Pretrial Conference. If not heard before the Pretrial Conference, the hearing will be set for at the Pretrial Conference.

IX. Witness Subpoenas

Early filing of a request for witness subpoenas is encouraged so that such subpoenas may be served at least 10 days before trial.

X. Continuances

Continuances are discouraged and will only be granted by the Court for good cause shown. In the event of a continuance a new Pretrial Scheduling Order will be entered.

XI. Instructions

Counsel of record shall, two business days before trial, exchange proposed instructions. Any instructions from VMJI may be identified by instruction number. Counsel for petitioner shall prepare and have available at the commencement of trial the originals of all agreed upon instructions. Each party may also submit originals and copies of all contested instructions with appropriate citations. This requirement shall not preclude the offering of additional instructions at the trial.

XII. Deposition Transcripts to be Used at Trial

Counsel of record shall confer and attempt to identify and resolve all issues regarding the use of depositions at trial. It is the obligation of the proponent of any deposition of any non-party witness who will not appear at trial to advise opposing counsel of record of counsel's intent to use all or a portion of the deposition at trial at the earliest reasonable opportunity. Other than trial depositions taken after completion of discovery under Paragraph II, designations of portions of non-party depositions, other than for rebuttal or impeachment, shall be exchanged no later than 15 days before trial, except for good cause shown or by agreement of counsel. It becomes the obligation of the opponent of any such deposition to bring any objection or other unresolved issues to the court for hearing before the day of trial, and to counter-designate any additional portions of designated depositions at least 5 days before such hearing.

XIII. Transportation Arrangements

Counsel for petitioner shall be responsible for contacting the Sheriff s Department in advance of trial to assure that arrangements are in place to transport the commissioners/jury to and from the subject property.

XIV. Waiver or Modification of Terms of Order

Upon motion, the time limits and prohibitions contained in this order may be waived or modified by leave of court for good cause shown.

ENTERED: _____

_____
CIRCUIT COURT JUDGE

_____
Counsel for Plaintiff or Pro Se

_____
Counsel for Defendant or Pro se

SET BY:
_____Court_____
_____Phone_____
_____Term_____

Name: _____, VSB#_____
Address: _____
_____
Phone: (____) _____
FAX: (____) _____
Email: _____

Name: _____, VSB#_____
Address: _____
_____
Phone: (____) _____
FAX: (____) _____
Email: _____

IN THE EVENT OF SETTLEMENT OR VOLUNTARY DISMISSAL, PLEASE NOTIFY THE COURT **IMMEDIATELY** BY CALLING (703) 792-6171 OR BY FACSIMILE AT (703) 792-6371

PLACE REQUESTS FOR INTERPRETERS NO LATER THAN 14 DAYS IN ADVANCE OF TRIAL.

THREE BUSINESS DAYS BEFORE THE TRIAL CALL (703) 792-6013 TO GIVE THE COURT A TIME ESTIMATE FOR TRIAL.

SUBPOENA FOR WITNESS (CIVIL) – ATTORNEY ISSUED

Commonwealth of Virginia
VA. CODE §§ 8.01-407; 16.1-265; Supreme Court Rules 1:4, 4:5

Case No. _____

_____
HEARING DATE AND TIME

_____ Court

_____
ADDRESS OF COURT

_____ v./*In re:* _____

TO THE PERSON AUTHORIZED BY LAW TO SERVE THIS PROCESS:
You are commanded to summon

_____
NAME

_____
STREET ADDRESS

_____
CITY STATE ZIP

TO the person summoned: You are commanded to appear

[ ] in the _____ Court

[ ] at _____
ADDRESS (DEPOSITION USE IN CIRCUIT COURT ONLY)

on _____, _____ at _____ to testify in the above-named case.

This subpoena is issued by the attorney for and on behalf of

_____
PARTY NAME

_____
NAME OF ATTORNEY

_____
VIRGINIA STATE BAR NUMBER

_____
OFFICE ADDRESS

_____
TELEPHONE NUMBER OF ATTORNEY

_____
OFFICE ADDRESS

_____
FACSIMILE NUMBER OF ATTORNEY

_____
DATE ISSUED

_____
SIGNATURE OF ATTORNEY

Notice to Recipient: See page two for further information.

RETURN OF SERVICE (see page two of this form)

TO the person summoned:
If you are served with this subpoena less than 5 calendar days before your appearance is required, the court may, after considering all of the circumstances, refuse to enforce the subpoena for lack of adequate notice. If you are served less than 5 calendar days before your appearance is required and you are a judicial officer generally incompetent to testify pursuant to § 19.2-271, this subpoena has no legal force or effect. If you are served with this subpoena less than 5 calendar days before your appearance is required, you may wish to contact the attorney who issued this subpoena and the clerk of the court.

[ ] This SUBPOENA FOR WITNESS is being served by a private process server who must provide proof of service in accordance with Va. Code § 8.01-325.

TO the person authorized to serve this process: Upon execution, the return of this process shall be made to the clerk of court.

NAME: _____

ADDRESS: _____

_____

[ ] PERSONAL SERVICE | Tel. No. _____

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

[ ] Delivered to a person found in charge of usual place of business or employment during business hours and giving information of its purport.

[ ] 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.)

[ ] not found _____, Sheriff

_____ By _____, Deputy Sheriff
DATE

CERTIFICATE OF COUNSEL

I, _____, counsel for _____, hereby certify that a copy of the foregoing subpoena for witness was _____
DELIVERY METHOD

to _____, counsel of record for _____,

on the _____ day of _____, _____.

_____
SIGNATURE OF ATTORNEY

Using This Revisable PDF Form

1. Copies

   a. Original – to the sheriff or private process server to be served on the person being subpoenaed.

   b. First copy – to court.

   c. Second copy – to opposing party.

2. Prepared by attorney for the party.

3. Attachments – check for service fees if the subpoena is served by the sheriff.

4. Preparation details

   This is a form for a subpoena for witness that may be issued directly by a party's attorney. It can be used only in civil cases. It cannot be used in habeas corpus proceedings, delinquency proceedings, child abuse and neglect proceedings, civil forfeiture proceedings, habitual offender proceedings, proceedings to contest an administrative license suspension under Va. Code § 46.2-391.2 and proceedings pursuant to petitions for writs of prohibition or mandamus in connection with criminal proceedings.

SUBPOENA FOR WITNESS (CIVIL) – ATTORNEY ISSUED

Commonwealth of Virginia

VA. CODE §§ 8.01-407; 16.1-265; Supreme Court Rules 1:4, 4:5

Case No. 1

2
HEARING DATE AND TIME

3 Court

4
ADDRESS OF COURT

5 *v./In re:* 6

TO THE PERSON AUTHORIZED BY LAW TO SERVE THIS PROCESS:

You are commanded to summon

7
NAME

8
STREET ADDRESS

CITY STATE ZIP

TO the person summoned: You are commanded to appear

9 [ ] in the _____ Court

10 [ ] at 11
ADDRESS (DEPOSITION USE IN CIRCUIT COURT ONLY)

on _____, 12 at _____ to testify in the above-named case.

This subpoena is issued by the attorney for and on behalf of

13
PARTY NAME

14
NAME OF ATTORNEY

14
VIRGINIA STATE BAR NUMBER

OFFICE ADDRESS

TELEPHONE NUMBER OF ATTORNEY

OFFICE ADDRESS

FACSIMILE NUMBER OF ATTORNEY

15
DATE ISSUED

16
SIGNATURE OF ATTORNEY

Notice to Recipient: See page two for further information.

RETURN OF SERVICE (see page two of this form)

Data Elements, *page one*

1. Insert case number.
2. Insert hearing date and time.
3. Court name and type of court in which case is pending.
4. Address of court.
5. Name of Plaintiff.
6. Name of defendant or the subject of the suit.
7. Name of person being subpoenaed.
8. Address of person being subpoenaed.
9. Check box if the person is required to appear at the court and insert the name of the court where the person subpoenaed is to appear.
10. Check box if the person is required to appear for a deposition (only for use in circuit court).
11. If data element 10 is checked, insert the address when the person is required to appear for the deposition (only for use in circuit court).
12. Insert the date and time for when the person is required to appear.
13. Insert the name of the party whose attorney is issuing the subpoena.
14. Insert the name, office address, bar number, telephone number and facsimile number of the attorney issuing the subpoena.
15. Date the subpoena is issued.
16. Signature of attorney issuing the subpoena.

TO the person summoned:
If you are served with this subpoena less than 5 calendar days before your appearance is required, the court may, after considering all of the circumstances, refuse to enforce the subpoena for lack of adequate notice. If you are served less than 5 calendar days before your appearance is required and you are a judicial officer generally incompetent to testify pursuant to § 19.2-271, this subpoena has no legal force or effect. If you are served with this subpoena less than 5 calendar days before your appearance is required, you may wish to contact the attorney who issued this subpoena and the clerk of the court.

---

1 [ ] **This SUBPOENA FOR WITNESS is being served by a private process server who must provide proof of service in accordance with Va. Code § 8.01-325.**

TO the person authorized to serve this process: Upon execution, the return of this process shall be made to the clerk of court.

NAME: _____

ADDRESS: 2 _____

_____

3 [ ] PERSONAL SERVICE | Tel. No. _____

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

[ ] Delivered to a person found in charge of usual place of business or employment during business hours and giving information of its purport.

[ ] 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.)

5 [ ] not found

7 _____, Sheriff

6 _____ DATE

By 8 _____, Deputy Sheriff

CERTIFICATE OF COUNSEL

I, 9 _____, counsel for 10 _____, hereby certify that a copy of the foregoing subpoena for witness was 11 _____ DELIVERY METHOD to 12 _____, counsel of record for 13 _____, on the _____ day of 14 _____, _____.

15 _____
SIGNATURE OF ATTORNEY

Data Elements, *page two*

1. Check box if a private process server is being utilized to serve the subpoena.
2. Name, address and phone number of person being served.
3. Check if personal service is made.
4. Indicate method of substitute service, if not personally served. If delivered to a family member, insert name and age of the recipient and the relationship of the recipient to the person to be served.
5. Check if not found.
6. Insert date of service.
7. Name of sheriff.
8. Name of deputy sheriff who served the subpoena.
9. Name of attorney issuing subpoena.
10. Name of party attorney represents.
11. Delivery method used to deliver document to opposing counsel.
12. Name of opposing counsel.
13. Name of party represented by opposing counsel.
14. Date on which delivery is made.
15. Signature of attorney issuing subpoena.

SUBPOENA DUCES TECUM (CIVIL) – ATTORNEY ISSUED VA. CODE §§ 8.01-413, 16.1-89, 16.1-265; Commonwealth of Virginia Supreme Court Rules 1:4, 4:9

Case No.:_____

_____
HEARING DATE AND TIME

_____ Court

_____
COURT ADDRESS

_____ v./*In re:* _____

TO THE PERSON AUTHORIZED BY LAW TO SERVE THIS PROCESS:

You are commanded to summon

_____
NAME

_____
STREET ADDRESS

_____
CITY STATE ZIP

TO the person summoned: You are commanded to make available the documents and tangible things designated and described below:

_____

at _____ at _____
LOCATION DATE AND TIME

to permit such party or someone acting in his or her behalf to inspect and copy, test or sample such tangible things in your possession, custody or control.

This Subpoena Duces Tecum is issued by the attorney for and on behalf of

_____
PARTY NAME

_____ _____
NAME OF ATTORNEY VIRGINIA STATE BAR NUMBER

_____ _____
OFFICE ADDRESS TELEPHONE NUMBER OF ATTORNEY

_____ _____
OFFICE ADDRESS FACSIMILE NUMBER OF ATTORNEY

_____ _____
DATE ISSUED SIGNATURE OF ATTORNEY

Notice to Recipient: See page two for further information.

RETURN OF SERVICE (see page two of this form)

TO the person summoned:

If you are served with this subpoena less than 14 days prior to the date that compliance with this subpoena is required, you may object by notifying the party who issued the subpoena of your objection in writing and describing the basis of your objection in that writing.

☐ **This SUBPOENA DUCES TECUM is being served by a private process server who must provide proof of service in accordance with Va. Code § 8.01-325.**

TO the person authorized to serve this process: Upon execution, the return of this process shall be made to the clerk of court.

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 appear to be the main entrance of usual place of abode, address listed above. (Other authorized recipient not found.)

☐ NOT FOUND _____, Sheriff

..... by _____ Deputy Sheriff

DATE

CERTIFICATE OF COUNSEL

I, _____, counsel for _____, hereby certify that a copy of the foregoing subpoena duces tecum was _____

DELIVERY METHOD

to _____, counsel of record for _____,

on the _____ day of _____, _____.

_____

SIGNATURE OF ATTORNEY

NOTICE: Upon receipt of the subpoenaed documents, the requesting party must, if requested, provide true and full copies of those documents to any other party or to the attorney for any other party, provided the other party or attorney for the other party pays the reasonable cost of copying or reproducing those documents. This does not apply when the subpoenaed documents are returnable to and maintained by the clerk of the court in which the action is pending. Va. Code § 8.01-417

Using This Revisable PDF Form

1. Copies

   a. Original – to the sheriff to be served on the person being subpoenaed.

   b. First copy - to court.

   c. Second copy – to opposing party.

2. Prepared by attorney for the party.

3. Attachments – check for service fees if the subpoena is served by the sheriff.

4. Preparation Details – This is a form for a subpoena duces tecum that may be issued directly by a party's attorney who is an active member in good standing of the Virginia State Bar. It can be used only in civil cases. It cannot be used in habeas corpus proceedings, delinquency proceedings, child abuse and neglect proceedings, protective order proceedings in cases of domestic violence or stalking, habitual offender proceedings, proceedings to contest an administrative license suspension under Va. Code § 46.2-391.2 and proceedings pursuant to petitions for writs of prohibition or mandamus.

SUBPOENA DUCES TECUM (CIVIL) – ATTORNEY ISSUED VA. CODE §§ 8.01-413, 16.1-89, 16.1-265; Commonwealth of Virginia Supreme Court Rules 1:4, 4:9

Case No. 1

2
HEARING DATE AND TIME

3 Court

4
COURT ADDRESS

5 v./*In re:* 6

TO THE PERSON AUTHORIZED BY LAW TO SERVE THIS PROCESS:

You are commanded to summon

7
NAME

8
STREET ADDRESS

CITY STATE ZIP

TO the person summoned: You are commanded to make available the documents and tangible things designated and described below:

9

at 10
LOCATION at 11
DATE AND TIME

to permit such party or someone acting in his or her behalf to inspect and copy, test or sample such tangible things in your possession, custody or control.

This Subpoena Duces Tecum is issued by the attorney for and on behalf of

12
PARTY NAME

NAME OF ATTORNEY

VIRGINIA STATE BAR NUMBER

13
OFFICE ADDRESS

13
TELEPHONE NUMBER OF ATTORNEY

OFFICE ADDRESS

FACSIMILE NUMBER OF ATTORNEY

14
DATE ISSUED

15
SIGNATURE OF ATTORNEY

Notice to Recipient: See page two for further information.

RETURN OF SERVICE (see page two of this form)

Data Elements, *page one*

1. Insert case number.
2. Insert hearing date and time.
3. Court name and type of court in which case is pending.
4. Address of court.
5. Name of Plaintiff.
6. Name of Defendant or the subject of the suit.
7. Name of person who is the custodian of the documents and tangible things being requested.
8. Address of custodian.
9. Describe documents and tangible things to be produced.
10. Insert location where the documents and tangible things to be produced should be made available.
11. Insert date and time when the documents and tangible things to be produced should be made available.
12. Insert the name of the party whose attorney is issuing the subpoena.
13. Insert the name, office address, bar number, telephone number and facsimile number of the attorney issuing the subpoena.
14. Date the subpoena is issued.
15. Signature of attorney issuing the subpoena.

TO the person summoned:
If you are served with this subpoena less than 14 days prior to the date that compliance with this subpoena is required, you may object by notifying the party who issued the subpoena of your objection in writing and describing the basis of your objection in that writing.

1 ☐ **This SUBPOENA DUCES TECUM is being served by a private process server who must provide proof of service in accordance with Va. Code § 8.01-325.**

TO the person authorized to serve this process: Upon execution, the return of this process shall be made to the clerk of court.

NAME: .....

ADDRESS: 2 .....

.....

3 ☐ PERSONAL SERVICE Tel. No. .....

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

4 ☐ 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 appear to be the main entrance of usual place of abode, address listed above. (Other authorized recipient not found.)

6 ☐ NOT FOUND 8 , Sheriff

7 DATE by 9 , Deputy Sheriff

CERTIFICATE OF COUNSEL

I, 10 , counsel for 11 hereby certify that a copy of the foregoing subpoena duces tecum was 12 DELIVERY METHOD to 13 , counsel of record for 14 , on the 15 day of 15 , .

16
SIGNATURE OF ATTORNEY

NOTICE: Upon receipt of the subpoenaed documents, the requesting party must, if requested, provide true and full copies of those documents to any other party or to the attorney for any other party, provided the other party or attorney for the other party pays the reasonable cost of copying or reproducing those documents. This does not apply when the subpoenaed documents are returnable to and maintained by the clerk of the court in which the action is pending. Va. Code § 8.01-417

Data Elements, *page two*

1. Check box if a private process server is being utilized to serve the subpoena.
2. Name, address and phone number of person being served.
3. Check if personal service is made.
4. Check if delivered to a family member and insert name and age of the recipient and the relationship of the recipient to the person to be served.
5. Check if posted service.
6. Check if not found.
7. Insert date of service.
8. Name of sheriff.
9. Name of deputy sheriff who served the subpoena.
10. Name of attorney issuing subpoena.
11. Name of party attorney represents.
12. Delivery method used to deliver document to opposing counsel.
13. Name of opposing counsel.
14. Name of party represented by opposing counsel.
15. Date on which delivery is made.
16. Signature of attorney issuing subpoena.

NOTICE TO INDIVIDUAL—SUBPOENA DUCES TECUM FOR HEALTH RECORDS

Commonwealth of Virginia Va. Code § 32.1-127.1:03

NOTICE TO INDIVIDUAL:

The attached document means that

.....

has either asked the court to issue a subpoena or a subpoena has been issued by the other party's attorney to your doctor, other health care providers, or other health care entity:

.....

requiring them to produce your health records.

Your doctor, other health care provider, or other health care entity is required to respond by providing a copy of your health records. If you believe your health records should not be disclosed and object to their disclosure, you have the right to file a motion with the clerk of the court to quash the subpoena. If you elect to file a Motion to Quash, such motion must be filed within fifteen (15) days of the date of the request or of the attorney-issued subpoena.

You may contact the clerk's office to determine the requirements that must be satisfied when filing a motion to quash and you may elect to contact an attorney to represent your interest.

If you elect to file a motion to quash, you must notify your doctor, other health care provider(s), or other health care entity, that you are filing the motion so that the health care provider or health care entity knows to send the records to the clerk of court in a sealed envelope or package for safekeeping while your motion is decided.

Form DC-348

NOTICE TO INDIVIDUAL - SUBPOENA DUCES TECUM FOR HEALTH RECORDS

Using This Form

Virginia Code § 32.1-127.1:03 requires that when the health records of a pro se party or non-party witness are subpoenaed from a health care entity, a notice must be provided to the individual. The specific language of the notice is set out in the statute. This form contains the language required by the statute.

ATTACHMENT: This form should be attached to theSubpoena Duces Tecum.

Form DC-348

NOTICE TO INDIVIDUAL - SUBPOENA DUCES TECUM FOR HEALTH RECORDS

Data Elements

1. Name and title, if applicable, of person requesting subpoena or issuing subpoena.
2. Name of health care entity who is the custodian of the health records requested.

NOTICE TO INDIVIDUAL—SUBPOENA DUCES TECUM FOR HEALTH RECORDS

Commonwealth of Virginia Va. Code § 32.1-127.1:03

NOTICE TO INDIVIDUAL:

The attached document means that ..... 1 .....

.....

has either asked the court to issue a subpoena or a subpoena has been issued by the other party's attorney to your doctor, other health care providers, or other health care entity:

..... 2 .....

.....

.....

requiring them to produce your health records.

Your doctor, other health care provider, or other health care entity is required to respond by providing a copy of your health records. If you believe your health records should not be disclosed and object to their disclosure, you have the right to file a motion with the clerk of the court to quash the subpoena. If you elect to file a Motion to Quash, such motion must be filed within fifteen (15) days of the date of the request or of the attorney-issued subpoena.

You may contact the clerk's office to determine the requirements that must be satisfied when filing a motion to quash and you may elect to contact an attorney to represent your interest.

If you elect to file a motion to quash, you must notify your doctor, other health care provider(s), or other health care entity, that you are filing the motion so that the health care provider or health care entity knows to send the records to the clerk of court in a sealed envelope or package for safekeeping while your motion is decided.

NOTICE TO HEALTH CARE ENTITIES—SUBPOENA DUCES TECUM FOR HEALTH RECORDS

Commonwealth of Virginia Va. Code § 32.1-127.1:03

A COPY OF THIS SUBPOENA DUCES TECUM HAS BEEN PROVIDED TO THE INDIVIDUAL WHOSE HEALTH RECORDS ARE BEING REQUESTED OR HIS COUNSEL. YOU OR THAT INDIVIDUAL HAS THE RIGHT TO FILE A MOTION TO QUASH (OBJECT TO) THE ATTACHED SUBPOENA. IF YOU ELECT TO FILE A MOTION TO QUASH, YOU MUST FILE THE MOTION WITHIN 15 DAYS OF THE DATE OF THIS SUBPOENA.

YOU MUST NOT RESPOND TO THIS SUBPOENA UNTIL YOU HAVE RECEIVED WRITTEN CERTIFICATION FROM THE PARTY ON WHOSE BEHALF THE SUBPOENA WAS ISSUED THAT THE TIME FOR FILING A MOTION TO QUASH HAS ELAPSED AND THAT:

NO MOTION TO QUASH WAS FILED; OR

ANY MOTION TO QUASH HAS BEEN RESOLVED BY THE COURT AND THE DISCLOSURES SOUGHT ARE CONSISTENT WITH SUCH RESOLUTION.

IF YOU RECEIVE NOTICE THAT THE INDIVIDUAL WHOSE HEALTH RECORDS ARE BEING REQUESTED HAS FILED A MOTION TO QUASH THIS SUBPOENA, OR IF YOU FILE A MOTION TO QUASH THIS SUBPOENA, SEND THE HEALTH RECORDS ONLY TO THE CLERK OF THE COURT THAT ISSUED THE SUBPOENA OR IN WHICH THE ACTION IS PENDING USING THE FOLLOWING PROCEDURE:

PLACE THE HEALTH RECORDS IN A SEALED ENVELOPE AND ATTACH TO THE SEALED ENVELOPE A COVER LETTER TO THE CLERK OF COURT WHICH STATES THAT CONFIDENTIAL HEALTH RECORDS ARE ENCLOSED AND ARE TO BE HELD UNDER SEAL PENDING THE COURT'S RULING ON THE MOTION TO QUASH THE SUBPOENA.

THE SEALED ENVELOPE AND THE COVER LETTER SHALL BE PLACED IN AN OUTER ENVELOPE OR PACKAGE FOR TRANSMITTAL TO THE COURT.

Form DC-350

NOTICE TO HEALTH CARE ENTITIES— SUBPOENA DUCES TECUM FOR HEALTH RECORDS

Using This Form

Virginia Code § 32.1-127.1:03 requires that when the health records of a pro se party or non-party witness are subpoenaed from the health care entity, a notice must be provided to the individual. The specific language of the notice is set out in the statute. This form contains the language required by the statute.

ATTACHMENT: This form should be attached to the Subpoena Duces Tecum.

Data Elements

None

NOTICE TO HEALTH CARE ENTITIES—SUBPOENA DUCES TECUM FOR HEALTH RECORDS

Commonwealth of Virginia Va. Code § 32.1-127.1:03

A COPY OF THIS SUBPOENA DUCES TECUM HAS BEEN PROVIDED TO THE INDIVIDUAL WHOSE HEALTH RECORDS ARE BEING REQUESTED OR HIS COUNSEL. YOU OR THAT INDIVIDUAL HAS THE RIGHT TO FILE A MOTION TO QUASH (OBJECT TO) THE ATTACHED SUBPOENA. IF YOU ELECT TO FILE A MOTION TO QUASH, YOU MUST FILE THE MOTION WITHIN 15 DAYS OF THE DATE OF THIS SUBPOENA.

YOU MUST NOT RESPOND TO THIS SUBPOENA UNTIL YOU HAVE RECEIVED WRITTEN CERTIFICATION FROM THE PARTY ON WHOSE BEHALF THE SUBPOENA WAS ISSUED THAT THE TIME FOR FILING A MOTION TO QUASH HAS ELAPSED AND THAT:

NO MOTION TO QUASH WAS FILED; OR

ANY MOTION TO QUASH HAS BEEN RESOLVED BY THE COURT AND THE DISCLOSURES SOUGHT ARE CONSISTENT WITH SUCH RESOLUTION.

IF YOU RECEIVE NOTICE THAT THE INDIVIDUAL WHOSE HEALTH RECORDS ARE BEING REQUESTED HAS FILED A MOTION TO QUASH THIS SUBPOENA, OR IF YOU FILE A MOTION TO QUASH THIS SUBPOENA, SEND THE HEALTH RECORDS ONLY TO THE CLERK OF THE COURT THAT ISSUED THE SUBPOENA OR IN WHICH THE ACTION IS PENDING USING THE FOLLOWING PROCEDURE:

PLACE THE HEALTH RECORDS IN A SEALED ENVELOPE AND ATTACH TO THE SEALED ENVELOPE A COVER LETTER TO THE CLERK OF COURT WHICH STATES THAT CONFIDENTIAL HEALTH RECORDS ARE ENCLOSED AND ARE TO BE HELD UNDER SEAL PENDING THE COURT'S RULING ON THE MOTION TO QUASH THE SUBPOENA.

THE SEALED ENVELOPE AND THE COVER LETTER SHALL BE PLACED IN AN OUTER ENVELOPE OR PACKAGE FOR TRANSMITTAL TO THE COURT.

VIRGINIA
IN THE CIRCUIT COURT OF PRINCE WILLIAM COUNTY

ORDER:
RELATING TO PHOTOGRAPHIC AND SIMILAR EQUIPMENT

This matter came on to be heard this day upon motions by the Office of the Sheriff and Office of the Commonwealth Attorney for entry of an order banning the use of camera capable cell phones and other equipment in the Judicial Center, except as permitted by the Court, and

It appearing to the Court that said motions should be granted as a valid security concern, it is therefore

Ordered and Decreed as follows:

1. That by authority pursuant to Virginia Code Sections 8.01-4 and 19.2-266, as amended, all cameras, video cameras, photographic, video recording or similar equipment is prohibited inside the Judicial Center without Court authorization, and

2. That photographic equipment may be utilized for weddings held in the Judicial Center provided the ceremony has been scheduled in advance with the Clerk of the Circuit Court, and

3. That, except as provided herein, all persons carrying cameras, video cameras, photographic, video recording or similar equipment will not be permitted entry into the Judicial Center.

Entered this 17th day of December, 2004.

William D. Hamblen, Judge

Richard B. Potter, Judge

LeRoy F. Millette, Jr., Judge

Rossie D. Alston, Jr., Judge

Lon E. Farris, Judge

SUGGESTION FOR SUMMONS IN GARNISHMENT

Case No. .....

VA. CODE § 8.01-511

In the Circuit Court of the [ ] City [ ] County of .....

JUDGMENT CREDITOR:

.....

Telephone No. .....

JUDGMENT CREDITOR'S ATTORNEY

.....

Telephone No. .....

Suggested Garnishee:

.....

JUDGMENT DEBTOR:

V.

.....

Social Security No. .....

If garnishee is defendant's employer, please furnish employer's name, and state whether it is a corporation, or one or more persons trading under a fictitious or trade name.

ORIGINAL JUDGMENT	
DATE OF JUDGMENT	DATE EXECUTION DELIVERED
Instrument No.	

JUDGMENT DOCKETED IN THIS COURT
Date Docketed
Book/Page/Instrument No. .....

STATEMENT

$ ..... Judgment Principal
..... Credits
..... Interest
..... Judgment Costs
..... Attorney's fee
..... Garnishment Costs

$ 0.00 Total Balance Due
The garnishee shall rely on this amount.

MAXIMUM PORTION OF DISPOSABLE EARNINGS SUBJECT TO GARNISHMENT

[ ] Support (if not specified, then 50%)

[ ] 50% [ ] 55% [ ] 60% [ ] 65% [ ] State Taxes, 100%

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

I request the Clerk to summon the Suggested Garnishee to answer this suggestion.

This is a garnishment against [ ] the judgment debtor's wages, salary or other compensation. [ ] some other debt due or property, of the judgment debtor, specifically, ...

I have reason to believe that there is a liability on the suggested garnishee because of the execution of the "ORIGINAL JUDGMENT" described above. I certify that:

[ ] (1) The summons is based upon a judgment upon which a prior summons has been issued but not fully satisfied; or

[ ] (2) No summons has been issued upon this judgment creditor's suggestion against the same judgment debtor within a period of eighteen months, other than a summons which was based upon a judgment upon which a prior summons has been issued but not fully satisfied; or

[ ] (3) The summons is based upon a judgment granted against a debtor upon a debt due or made for necessary food, rent, or shelter, public utilities including telephone service, drugs, or medical care supplied the debtor by the judgment creditor or to one of his lawful dependents, and that it was not for luxuries or nonessentials; or

[ ] (4) The summons is based upon a judgment for a debt due the judgment creditor to refinance a lawful loan made by an authorized lending institution; or

[ ] (5) The summons is based upon a judgment on an obligation incurred as an endorser or comaker upon a lawful note; or

[ ] (6) The summons is based upon a judgment for a debt or debts reaffirmed after bankruptcy.

[ ] I have made a diligent good faith effort to secure the social security number of the judgment debtor and have been unable to do so.

I hereby certify that the last known address of the defendant is as shown above.

.....
DATE SUBMITTED

[ ] JUDGMENT CREDITOR [ ] AGENT [ ] ATTORNEY

WARNING: Any judgment creditor who knowingly gives false information in a suggestion for Summons in Garnishment shall be guilty of a Class 1 misdemeanor.

Using This Revisable PDF Form

1. Copies – Contact the court to determine if you should bring copies to the Clerk's Office or if copies will be made upon filing.

2. Prepared by judgment creditor.

3. Preparation details

   a. The plaintiff is responsible for calculating the interest due. See Virginia Code § 8.01-511. Interest is computed on the judgment principal only. See Virginia Code § 8.01-382.

   b. Information explaining credits may be contained in a separate document attached to the suggestion or placed on the reverse side of the suggestion.

SUGGESTION FOR SUMMONS IN GARNISHMENT

Case No. 1

VA. CODE § 8.01-511

In the Circuit Court of the [ ] City [ ] County of 2

JUDGMENT CREDITOR:

3

Telephone No. .....

JUDGMENT CREDITOR'S ATTORNEY

4

Telephone No. .....

Suggested Garnishee:

6

V.

JUDGMENT DEBTOR:

5

Social Security No. .....

If garnishee is defendant's employer, please furnish employer's name, and state whether it is a corporation, or one or more persons trading under a fictitious or trade name.

ORIGINAL JUDGMENT	
DATE OF JUDGMENT	DATE EXECUTION DELIVERED
7	8
Instrument No. 9	

JUDGMENT DOCKETED IN THIS COURT
Date Docketed 10
Book/Page/Instrument No. 11

STATEMENT

$ 12	Judgment Principal
13	Credits
14	Interest
15	Judgment Costs
16	Attorney's fee
17	Garnishment Costs

$ 18 Total Balance Due

The garnishee shall rely on this amount.

MAXIMUM PORTION OF DISPOSABLE EARNINGS SUBJECT TO GARNISHMENT

[ ] Support (if not specified, then 50%)

[ ] 50% [ ] 55% [ ] 60% [ ] 65% [ ] State Taxes, 100%

If none of the above are checked, then § 3429(a) applies.

I request the Clerk to summon the Suggested Garnishee to answer this suggestion.

This is a garnishment against [ ] the judgment debtor's wages, salary or other compensation. [ ] some other debt due or property,

9 of the judgment debtor, specifically, ...

I have reason to believe that there is a liability on the suggested garnishee because of the execution of the "ORIGINAL JUDGMENT" described above. I certify that:

[ ] (1) The summons is based upon a judgment upon which a prior summons has been issued but not fully satisfied; or

[ ] (2) No summons has been issued upon this judgment creditor's suggestion against the same judgment debtor within a period of eighteen months, other than a summons which was based upon a judgment upon which a prior summons has been issued but not fully satisfied; or

20 [ ] (3) The summons is based upon a judgment granted against a debtor upon a debt due or made for necessary food, rent, or shelter, public utilities including telephone service, drugs, or medical care supplied the debtor by the judgment creditor or to one of his lawful dependents, and that it was not for luxuries or nonessentials; or

[ ] (4) The summons is based upon a judgment for a debt due the judgment creditor to refinance a lawful loan made by an authorized lending institution; or

[ ] (5) The summons is based upon a judgment on an obligation incurred as an endorser or comaker upon a lawful note; or

[ ] (6) The summons is based upon a judgment for a debt or debts reaffirmed after bankruptcy.

21 [ ] I have made a diligent good faith effort to secure the social security number of the judgment debtor and have been unable to do so.

I hereby certify that the last known address of the defendant is as shown above.

22
DATE SUBMITTED

23
[ ] JUDGMENT CREDITOR [ ] AGENT [ ] ATTORNEY

WARNING: Any judgment creditor who knowingly gives false information in a suggestion for Summons in Garnishment shall be guilty of a Class 1 misdemeanor.

Data Elements

1. Court case number.
2. Court name.
3. Name, address, and telephone number of plaintiff (judgment creditor).
4. Name, address, and telephone number of judgment creditor's attorney.
5. Name, last known address and the social security number of the defendant (judgment debtor).
6. Name and address of garnishee.
7. Date of entry of judgment.
8. Date on which execution on the judgment was issued by the court.
9. Instrument number for original judgment.
10. If original judgment was entered by another court, enter date judgment was docketed.
11. Book/page/instrument number of docketed judgment.
12. Net amount of judgment principal awarded to plaintiff. Do not include costs of attorney's fees here.
13. Total amount paid on judgment to date.
14. Amount of interest on the unpaid balance of the judgment principal from date of filing until the return date.
15. Costs awarded in the original judgment.
16. Attorney's fees awarded in the original judgment.
17. Court fees incurred by plaintiff in obtaining a garnishment summons.
18. Total net amount due. (This will be calculated for you if you use the Adobe® form provided on the Internet.)
19. Check the appropriate box to indicate whether garnishment is against wages or other property. Enter description of other property, if applicable.
20. Check the applicable legal basis for obtaining a garnishment.
21. Check box if debtor's social security number is unknown after judgment creditor has made a good faith effort to secure it.
22. Date of signing the Suggestion for Summons in Garnishment.
23. Signature of person requesting this document with appropriate title box checked.

GARNISHMENT SUMMONS

Commonwealth of Virginia

Case No. .....

..... Circuit Court

.....
COURT ADDRESS

JUDGMENT CREDITOR:

.....

.....

.....

Telephone No. .....

JUDGMENT CREDITOR'S ATTORNEY:

.....

.....

.....

Telephone No. .....

v.

JUDGMENT DEBTOR:

.....

.....

.....

.....

Soc. Sec. No. .....

Garnishee:.....

.....

.....

.....
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,

.....

STATEMENT:

Judgment Principal:	$ .....
Credits	.....
Interest	.....
Judgment Costs	.....
Attorney's Fee	.....
Garnishment Costs	.....

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

.....
DATE OF JUDGMENT

MAXIMUM PORTION OF DISPOSABLE EARNINGS SUBJECT TO GARNISHMENT

[ ] Support

[ ] 50% [ ] 55% [ ] 60% [ ] 65%
(if not specified, then 50%)

[ ] state taxes, 100%

f 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.

.....
DATE OF ISSUANCE OF SUMMONS

_____, Clerk

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

by _____
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.

Homestead Exemption Waived? [ ] Yes [ ] No [ ] Cannot be demanded

_____, Clerk

.....
DATE

by _____
DEPUTY CLERK

FORM CC-1486 (MASTER, PAGE 1 OF 2) 1/07
VA. CODE §§ 8.01-511, -512.3

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 employees 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 .....

.....

[ ] 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

_____ SERVING OFFICER

..... for _____

below, unless not found, with a copy of this summons and the exemption claim form.

GARNISHEE .....

.....

ADDRESS .....

.....

TELEPHONE NUMBER: .....

[ ] PERSONAL SERVICE | [ ] FEDERAL SERVICE*

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

[ ] Served on registered agent of the corporation. Lis name and title:

.....

.....

[ ] 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.

[ ] 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.

..... DATE OF MAILING

[ ] Not found

_____ SERVING OFFICER

..... for _____ DATE

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.

3. 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.

4. 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.

DATA ELEMENTS for Page 1 of the form

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 totals on this Garnishment. See DATA ELEMENTS 9 through 15 on Form CC-1485.
11. Check the appropriate basis for judgment if applicable. See DATA ELEMENT 16 on Form CC-1485.
12. Date of entry of judgment on which this Garnishment is based. See DATA ELEMENT 7 on Form CC-1485.
13. Date of issuance of this Summons.
14. Date of delivery of Writ of Fieri Facias to serving officer. Use date in Data Element 18 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.
15. Signature of clerk if issued by the clerk. If issued by a deputy clerk, print or type the clerk's name.
16. Signature of deputy clerk if issued by a deputy clerk.
17. Check the appropriate block.
18. Date of issuance of the Writ of Fieri Facias.
19. Signature of clerk if issued by clerk. If issued by deputy clerk, print or type clerk's name.
20. Signature of clerk if issued by deputy clerk.

DATA ELEMENTS for Page 2 of the form

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. Serving officer to check the appropriate box to designate type of service.
5. Check and complete if served on a corporate garnishee's registered agent. List the name and title of the registered agent.
6. If served by leaving the summons with a family member over age 16, check appropriate box and insert required information.
7. Check if served by posting.
8. Check if served on Secretary of the Commonwealth.
9. Check if served on Clerk of the State Corporation Commission.
10. Check and (if applicable) complete 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 indicating method of service other than personal service.
19. List name, age and relationship to party of person receiving substituted service.
20. Check if served by posting.
21. Check if served on the Secretary of the Commonwealth.
22. Check if not found.
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.

GARNISHMENT SUMMONS
Commonwealth of Virginia

Case No. ..... 1 .....

..... 2 ..... Circuit Court

..... 3 .....
COURT ADDRESS

JUDGMENT CREDITOR:
..... 4 .....
*.....
*.....
*Telephone No. .....

v.

JUDGMENT DEBTOR:
..... 5 .....
.....
.....
.....
Soc. Sec. No. ..... 7 .....
Garnishee: ..... 8 .....
.....
.....

JUDGMENT CREDITOR'S ATTORNEY:
..... 6 .....
.....
.....
*Telephone No. .....

*When Judgment Creditor's Attorney's name, address and telephone number appear on this summons, do not include Creditor's address or telephone number.

..... 9 .....
HEARING DATE AND TIME

STATEMENT:

Judgment Principal:	$ ..... 10 .....
Credits	.....
Interest	.....
Judgment Costs	.....
Attorney's Fee	.....
Garnishment Costs	.....

TOTAL BALANCE DUE $ ..... 10 .....
The garnishee shall rely on this amount.

..... 12 .....
DATE OF JUDGMENT

MAXIMUM PORTION OF DISPOSABLE EARNINGS SUBJECT TO GARNISHMENT 11
[ ] Support
[ ] 50% [ ] 55% [ ] 60% [ ] 65%
(if not specified, then 50%)
[ ] state taxes, 100%

f 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) 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.

..... 13 .....
DATE OF ISSUANCE OF SUMMONS

..... 14 .....
DATE OF DELIVERY OF WRIT OF FIERI FACIAS TO SHERIFF IF DIFFERENT FROM DATE OF ISSUANCE OF THIS SUMMONS

_____ 15 _____, Clerk

by _____ 16 _____
DEPUTY CLERK

WRIT OF FIERI FACIAS To Any Authorized Officer: You are commanded to levy upon the personal property of the Defendant(s) and to make from the tangible personal property and monies of the Defendant(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 within 90 days of this date or within 180 days of this date for a wage garnishment, and to notify the person entitled to receive such money, if such person is known and if any money is received, as required by law.

Homestead Exemption Waived? [ ] Yes [ ] No [ ] Cannot be demanded
17

..... 18 .....
DATE

_____ 19 _____, Clerk

by _____ 20 _____
DEPUTY CLERK

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 employees 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

26 .....

DATE AND TIME

27 _____

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.

28 [ ] NO EFFECTS FOUND

29 .....

DATE

30 _____

SHERIFF

31 _____

DEPUTY SHERIFF

JUDGMENT DEBTOR ..... 15 .....

.....

ADDRESS ..... 16 .....

.....

17 [ ] PERSONAL SERVICE

18 [ ] 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.

19 .....

.....

[ ] 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.)

20

21 [ ] Served on Secretary of the Commonwealth.

22 [ ] Not found

23 _____

SERVING OFFICER

24 ..... for 25 _____

below, unless not found, with a copy of this summons and the exemption claim form.

GARNISHEE ..... 1 .....

.....

ADDRESS .....

..... 2 .....

TELEPHONE NUMBER: .....

3 [ ] PERSONAL SERVICE | [ ] FEDERAL SERVICE*

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

[ ] Served on registered agent of the corporation. Li name and title:

5 .....

.....

[ ] 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.

6 .....

.....

[ ] Posted on front door or such other door as appears to be the main entrance of usual place of abode, 7 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 10 garnishee on date of service below unless a different date of mailing is shown.

.....

DATE OF MAILING

11 [ ] Not found

12 _____

SERVING OFFICER

13 ..... for 14 _____

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.

GARNISHEE INFORMATION SHEET

The following information sheet sets forth procedures which may apply when a garnishee determines the proper amount o be garnished.

Garnishment of monies other than earnings (wages, salaries, commissions):
Refer to the debt owed or property specified by the judgment creditor on the GARNISHMENT SUMMONS, and respond to garnishments based on the date shown on the GARNISHMENT SUMMONS as to when the writ of fieri facias was delivered to the sheriff.

Financial Institutions may respond to a GARNISHMENT SUMMONS on district court form DC-456, GARNISHEE'S ANSWER.

- If the account is a joint account, list the names and addresses of all account owners.
- Certain exemptions from garnishment, which are listed on district court form DC-454, NOTICE TO JUDGMENT DEBTOR HOW TO CLAIM EXEMPTIONS FROM GARNISHMENT AND LIEN, REQUEST FOR HEARING – GARNISHMENT/LIEN EXEMPTION CLAIM, attached to the GARNISHMENT SUMMONS, may apply.
- If the account contains federal benefit payments governed by 31 CFR Part 212, list the account balance and the protected amount.

Garnishment of earnings for each pay period:

First Step:
Determine what are the "disposable earnings" by calculating the gross earnings, then deducting from gross earnings those amounts required by law to be withheld, such as federal and state taxes and social security withholdings. In calculating disposable earnings, do not deduct other payroll deductions such as insurance premiums, savings plans or retirement contributions.

Second Step:
Determine the maximum amount that may be withheld from "disposable earnings." A description of this calculation is provided on the back of the attached GARNISHMENT SUMMONS. The following is a way to implement this part of the procedure:

On the front of the GARNISHMENT SUMMONS under "Maximum Amount of Disposable Earnings Subject to Garnishment," see which boxes have been checked to calculate the maximum amount subject to garnishment.

- If support is checked, then multiply "disposable earnings" by the percentage checked underneath "support." If no box is checked, then use 50%.
- If "state taxes" is checked, then multiply "disposable earnings" by 100%.
- If none of the boxes are checked, use the table on the reverse side and, where a percentage is given, multiply "disposable earnings" by the applicable percentage.

Third Step:
Determine if other deductions for child support or other garnishments apply to the judgment debtor. Virginia law requires that payments for support ordered by a court or by the Division of Child Support Enforcement must be deducted from the maximum amount of disposable earnings subject to garnishment as calculated above in the Second Step to determine the amount left for garnishments. (There may be none left.) After honoring child support deductions, garnishments are to be honored on the basis of the date shown on the GARNISHMENT SUMMONS as to when the writ of fieri facias was delivered to the sheriff.

File any GARNISHEE'S ANSWER so that the court receives your answer before the return date shown on the GARNISHMENT SUMMONS. The attached GARNISHEE'S ANSWER may be used for this purpose. If you deliver payment to the court by check, make it payable to the judgment creditor.

Do not withhold funds from this garnishment after the hearing date and time specified in the top right hand corner of the GARNISHMENT SUMMONS, district court form DC-451. Any funds withheld as a result of a voluntary agreement between the judgment creditor and the judgment debtor after this garnishment has been concluded should be paid directly to the judgment creditor. Do not send these funds to the court.

AMOUNTS GARNISHABLE FROM "DISPOSABLE EARNINGS" EFFECTIVE JULY 24, 2009

(wages, salaries, commissions, etc.) ($7.25 per hour minimum wage)

	Paid Weekly	Paid Every Two Weeks	Paid Twice a Month**	Paid Monthly**
Disposable Earnings*	$290 or less	$580 or less	$628.33 or less	$1,256.66 or less
Amount Garnishable	Nothing	Nothing	Nothing	Nothing
Disposable Earnings	$290 to $386.67	$580 to $773.33	$628.33 to $837.78	$1,256.66 to $1,675.55
Amount Garnishable	Amount above $290	Amount above $580	Amount above $628.33	Amount above $1,256.66
Disposable Earnings	More than $386.67	More than $773.33	More than $837.78	More than $1,675.55
Amount Garnishable	25% of Disposable Earnings	25% of Disposable Earnings	25% of Disposable Earnings	25% of Disposable Earnings

* See front for definition of "Disposable Earnings."

** Amounts for twice a month and monthly pay periods are based on an average of 4 1/3 weeks per month.

GARNISHEE'S ANSWER

Commonwealth of Virginia Va. Code § 8.01-511, -515

TO THE GARNISHEE:

1. Make checks payable to "Clerk of Circuit Court", 9311 Lee Ave, Room 314, Manassas, VA 20110
2. Use this form for your answer/response.
3. Please record the **Case Number and Return/Hearing Date** on all checks and answers to be submitted to the court.
4. Please mail checks or responses to the Court listed on the Garnishment Summons.

[ ] Enclosed is a check made payable to the within-named judgment creditor for $ ..... which is the amount withheld from the judgment debtor.

[ ] The garnishee holds no money or other property of the judgment debtor.

[ ] The garnishee does not have sufficient information to reasonably identify the judgment debtor.

Explain:

.....

[ ] The judgment debtor was not employed by the garnishee during the period from the service of the summons until the return date.

[ ] The judgment debtor's wages, salary, other compensation, or other debt due or property of the judgment debtor, is not specified in the Garnishment Summons.

[ ] The debtor's "disposable earnings" are less than the amount statutorily exempt from garnishment.

[ ] The garnishee is currently deducting the maximum amount for an existing summons:

DATED: ..... RETURN DATE: ..... FROM: ..... COURT

[ ] The judgment debtor has filed a bankruptcy petition.

[ ] The judgment debtor account is: [ ] a solely owned account. [ ] a joint account held with .....

of ..... containing $ ..... funds.

[ ] The funds held by the garnishee include direct deposited federal benefits that are protected under federal law from garnishment. (Please specify the specific exemption, account balance, and protected amount, if applicable; attach as necessary.)

.....

..... _____

DATE SIGNATURE

.....

(PRINT OR TYPE) NAME AND TITLE OF PERSON SIGNING THIS ANSWER

TO THE GARNISHEE OF PROPERTY OTHER THAN WAGES, SALARIES, COMMISSIONS OR OTHER EARNINGS: If the summons contains either the social security number or taxpayer identification number of the judgment debtor, or the name and address of the judgment debtor, as either appears in your records, the summons shall be deemed to contain information sufficient to enable you to reasonably identify the judgment debtor. If sufficient or accurate information to enable you to reasonably identify the judgment debtor is provided, you **shall** (i) answer to the court, (ii) state what your records show as the last known address for the judgment debtor, and any other information you deem relevant, and (iii) **send to the judgment debtor at the last known address** a copy of this Answer to the court. This information can be provided on the reverse of this form.

In compliance with § 8.01-511.1, provide last known address for the judgment debtor and any other information deemed relevant based on the garnishee's records:

.....

FORM DC-456 REVISED 10/17

RETURN DATE CASE NO.

@10:00 A.M. CL

GARNISHEE'S ANSWER

.....

JUDGMENT CREDITOR

V.

.....

JUDGMENT DEBTOR

.....

GARNISHEE

COMPLETE AS LISTED ON GARNISHMENT SUMMONS:

Prince William County Circuit Court

COURT NAME

9311 Lee Avenue, Manassas, VA 20110

COURT ADDRESS

(703) 792-6029

COURT TELEPHONE NUMBER

ATTORNEY FOR GARNISHEE

.....

.....

.....

Using This Revisable PDF Form

1. Copies

    a. Original – to court.

    b. First copy – to garnishee.

2. Prepared by garnishee.

3. Attachments – check for garnished funds (if applicable).

4. Preparation details

    a. The use of this form by the garnishee is optional. It is provided to assist garnishees to provide an answer to a garnishment summons.

    b. Data Element No. 13 – if this answer is being completed by an authorized agent for the garnishee (such as an employee authorized by the corporation to file answers in garnishment cases), print or type both the name of the authorized agent and the title that the agent has been given.

    c. Data Element Nos. 17-20 – use the information with the same labels on top of the garnishment summons in completing these data elements.

TO THE GARNISHEE:

1. Do not make checks payable to the Court. Make checks for monies withheld on garnishments payable to the name of the judgment creditor (plaintiff) as shown to the right.
2. Use this form for your answer/response.
3. Please record the **Case Number and Return/Hearing Date** on all checks and answers to be submitted to the court.
4. Please mail checks or responses to the Court listed on the Garnishment Summons.

1 [ ] Enclosed is a check made payable to the within-named judgment creditor for $ ..... which is the amount withheld from the judgment debtor.

2 [ ] The garnishee holds no money or other property of the judgment debtor.

3 [ ] The garnishee does not have sufficient information to reasonably identify the judgment debtor.

Explain: .....

.....

4 [ ] The judgment debtor was not employed by the garnishee during the period from the service of the summons until the return date.

5 [ ] The judgment debtor's wages, salary, other compensation, or other debt due or property of the judgment debtor, is not specified in the Garnishment Summons.

6 [ ] The debtor's "disposable earnings" are less than the amount statutorily exempt from garnishment.

7 [ ] The garnishee is currently deducting the maximum amount for an existing summons:

DATED: ..... RETURN DATE: ..... FROM: ..... COURT

8 [ ] The judgment debtor has filed a bankruptcy petition.

9 [ ] The judgment debtor account is: [ ] a solely owned account. [ ] a joint account held with .....

of ..... containing $ ..... funds.

10 [ ] The funds held by the garnishee include direct deposited federal benefits that are protected under federal law from garnishment. (Please specify the specific exemption, account balance, and protected amount, if applicable; attach as necessary.) .....

.....

11
DATE

12
SIGNATURE

13
(PRINT OR TYPE) NAME AND TITLE OF PERSON SIGNING THIS ANSWER

TO THE GARNISHEE OF PROPERTY OTHER THAN WAGES, SALARIES, COMMISSIONS OR OTHER EARNINGS: If the summons contains either the social security number or taxpayer identification number of the judgment debtor, or the name and address of the judgment debtor, as either appears in your records, the summons shall be deemed to contain information sufficient to enable you to reasonably identify the judgment debtor. If sufficient or accurate information to enable you to reasonably identify the judgment debtor is provided, you shall (i) answer to the court, (ii) state what your records show as the last known address for the judgment debtor, and any other information you deem relevant, and (iii) send to the judgment debtor at the last known address a copy of this Answer to the court. This information can be provided on the reverse of this form.

In compliance with § 8.01-511.1, provide last known address for the judgment debtor and any other information deemed relevant based on the garnishee's records:

14

.....

.....

FORM DC-456 REVISED 10/17

GARNISHEE'S ANSWER

17
JUDGMENT CREDITOR

V.

18
JUDGMENT DEBTOR

19
GARNISHEE

COMPLETE AS LISTED ON GARNISHMENT SUMMONS:

20
COURT NAME

21
COURT ADDRESS

22
COURT TELEPHONE NUMBER

ATTORNEY FOR GARNISHEE

23

.....

.....

Data Elements

1. Check the box and complete the line if funds were withheld and a payment check accompanies this answer. See "Using This Form," No. 3.
2. Check if applicable.
3. Check if applicable and give an explanation as to what information is lacking.
4. Check if applicable.
5. Check if applicable.
6. Check if applicable.
7. If unable to garnish funds for this garnishment because funds are being garnished due to another garnishment, check the box and include information regarding the other garnishment summons in the blanks.
8. Check if applicable.
9. Check whether judgment debtor's account is solely owner or jointly held. If held jointly, indicate the name and address of the person with whom the account is held and the amount of funds in that account.
10. Check if applicable. Specify the exemption, account balance, and protected amount and attach additional pages for explanation as necessary.
11. Date of signing of this answer.
12. Signature of person signing this answer.
13. Name of and title (if any) of person signing this answer.
14. If applicable, insert last known address and any other information in garnishee's records that garnishee deems relevant.
15. Return date on underlying garnishment summons.
16. Court case number.
17. Name of judgment creditor.
18. Name of judgment debtor.
19. Name of garnishee for whom this answer is being filed.
20. Name of court.
21. Address of court.
22. Telephone of court.
23. (If applicable) name and address of garnishee's attorney.

NOTICE TO JUDGMENT DEBTOR
HOW TO CLAIM EXEMPTIONS FROM GARNISHMENT AND LIEN

The attached Summons in Garnishment or Notice of Lien has been issued on request of a creditor who holds a judgment against you. The Summons may cause your property or wages to be held or taken to pay the judgment.

The law provides that certain property and wages cannot be taken in garnishment. Such property is said to be exempted. A summary of some of the major exemptions is set forth in the request for hearing form. There is no exemption solely because you are having difficulty paying your debts.

If you claim an exemption, you should (i) fill out the claim for exemption form and (ii) deliver or mail the form to the clerk's office of this court.

You have a right to a hearing within seven business days from the date you file your claim with the court. If the creditor is asking that your wages be withheld, the method of computing the amount of wages which are exempt from garnishment by law is indicated on the Summons in Garnishment attached. You do not need to file a claim for exemption to receive this exemption, but if you believe the wrong amount is being withheld, you may file a claim for exemption.

On the day of the hearing, you should come to court ready to explain why your property is exempted, and you should bring any documents which may help you prove your case. If you do not come to court at the designated time and prove that your property is exempt, you may lose some of your rights.

If you do not claim an exemption and do not otherwise contest the garnishment, you are not required to appear in court on the return date on the Garnishment Summons.

It may be helpful for you to seek the advice of an attorney in this matter.

THE REQUEST FOR HEARING FORM IS PRINTED ON THE REVERSE OF THIS FORM.

REQUEST FOR HEARING – GARNISHMENT/LIEN EXEMPTION CLAIM

Case No. .....

Commonwealth of Virginia VA. CODE § 8.01-512.4

.....
COURT NAME

..... v. .....
JUDGMENT CREDITOR JUDGMENT DEBTOR

and .....
GARNISHEE

I claim that the exemption(s) from garnishment or lien which are checked below apply in this case:

Major Exemptions Under Federal and State Law

_____ 1. Social Security benefits and Supplemental Security Income (SSI) (42 U.S.C. § 407).

_____ 2. Veterans' benefits (38 U.S.C. § 5301).

_____ 3. Federal civil service retirement benefits (5 U.S.C. § 8346).

_____ 4. Annuities to survivors of federal judges (28 U.S.C. § 376(n)).

_____ 5. Longshore and Harbor Workers' Compensation Act (33 U.S.C. § 916).

_____ 6. Black Lung benefits.

Exemptions listed under 1 through 6 above may not be applicable in child support and alimony cases (42 U.S.C. § 659).

_____ 7. Seaman's, master's or fisherman's wages, except for child support or spousal support and maintenance (46 U.S.C. § 11109).

_____ 8. Unemployment compensation benefits (§ 60.2-600, Code of Virginia). This exemption may not be applicable in child support cases (§ 60.2-608, Code of Virginia).

_____ 9. Amounts in excess of portions of wages subject to garnishment (§ 34-29, Code of Virginia).

_____ 10. Public assistance payments (§ 63.2-506, Code of Virginia).

_____ 11. Homestead exemption of $5,000 in cash, or $10,000 if the householder is 65 years of age or older. (§ 34-4, Code of Virginia). This exemption may not be claimed in certain cases, such as payment of child or spousal support (§ 34-5, Code of Virginia).

_____ 12. Property of disabled veterans – additional $10,000 cash (§ 34-4.1, Code of Virginia).

_____ 13. Worker's Compensation benefits (§ 65.2-531, Code of Virginia).

_____ 14. Growing crops (§ 8.01-489, Code of Virginia).

_____ 15. Benefits from group life insurance policies (§ 38.2-3339, Code of Virginia).

_____ 16. Proceeds from industrial sick benefits insurance (§ 38.2-3549, Code of Virginia).

_____ 17. Assignments of certain salary and wages (§ 55-165, Code of Virginia).

_____ 18. Benefits for victims of crime (§ 19.2-368.12, Code of Virginia).

_____ 19. Proceeds from funeral trusts (§ 54.1-2823, Code of Virginia).

_____ 20. Certain retirement benefits (§ 34-34, Code of Virginia).

_____ 21. Child support payments (§ 20-108.1, Code of Virginia).

_____ 22. Support for dependent children (§ 34-4.2, Code of Virginia). To claim this exemption, an affidavit that complies with the requirements of subsection B of § 34-4.2 and two items of proof showing entitlement to this exemption must be attached to this exemption form. (The affidavit, form DC-449, AFFIDAVIT CONCERNING DEPENDENT CHILDREN AND HOUSEHOLD INCOME, is available at www.courts.state.va.us/forms/district/civil.html or the clerk's office.)

_____ 23. Other (describe exemption): $ .....

I request a court hearing to decide the validity of my claim. Notice of hearing should be given to me at:

....
ADDRESS TELEPHONE NUMBER

The statements made in this request are true to the best of my knowledge and belief.

..... _____
DATE SIGNATURE OF JUDGMENT DEBTOR

Using This Revisable PDF Form

1. Copies

    a. Same number as copies of GARNISHMENT SUMMONS, form DC-451, issued in a case.

2. Prepared by judgment debtor.

3. Attachments

    a. Form DC-451, GARNISHMENT SUMMONS

    b. Form DC-449, AFFIDAVIT CONCERNING DEPENDENT CHILDREN AND HOUSEHOLD INCOME, should be attached to this form, in addition to two items of proof showing entitlement, if judgment debtor is claiming exemption No. 22 on the form.

4. Preparation details – judgment debtor completes entire form.

5. This form is on the reverse of the NOTICE TO JUDGMENT DEBTOR – HOW TO CLAIM EXEMPTIONS FROM GARNISHMENT AND LIEN.

REQUEST FOR HEARING – GARNISHMENT/LIEN EXEMPTION CLAIM

Case No. 1

Commonwealth of Virginia VA. CODE § 8.01-512.4

2
COURT NAME

3
JUDGMENT CREDITOR

v.

4
JUDGMENT DEBTOR

and 5
GARNISHEE

I claim that the exemption(s) from garnishment or lien which are checked below apply in this case:

Major Exemptions Under Federal and State Law

6

_____ 1. Social Security benefits and Supplemental Security Income (SSI) (42 U.S.C. § 407).

_____ 2. Veterans' benefits (38 U.S.C. § 5301).

_____ 3. Federal civil service retirement benefits (5 U.S.C. § 8346).

_____ 4. Annuities to survivors of federal judges (28 U.S.C. § 376(n)).

_____ 5. Longshore and Harbor Workers' Compensation Act (33 U.S.C. § 916).

_____ 6. Black Lung benefits.

Exemptions listed under 1 through 6 above may not be applicable in child support and alimony cases (42 U.S.C. § 659).

_____ 7. Seaman's, master's or fisherman's wages, except for child support or spousal support and maintenance (46 U.S.C. § 11109).

_____ 8. Unemployment compensation benefits (§ 60.2-600, Code of Virginia). This exemption may not be applicable in child support cases (§ 60.2-608, Code of Virginia).

_____ 9. Amounts in excess of portions of wages subject to garnishment (§ 34-29, Code of Virginia).

_____ 10. Public assistance payments (§ 63.2-506, Code of Virginia).

_____ 11. Homestead exemption of $5,000 in cash, or $10,000 if the householder is 65 years of age or older. (§ 34-4, Code of Virginia). This exemption may not be claimed in certain cases, such as payment of child or spousal support (§ 34-5, Code of Virginia).

_____ 12. Property of disabled veterans – additional $10,000 cash (§ 34-4.1, Code of Virginia).

_____ 13. Worker's Compensation benefits (§ 65.2-531, Code of Virginia).

_____ 14. Growing crops (§ 8.01-489, Code of Virginia).

_____ 15. Benefits from group life insurance policies (§ 38.2-3339, Code of Virginia).

_____ 16. Proceeds from industrial sick benefits insurance (§ 38.2-3549, Code of Virginia).

_____ 17. Assignments of certain salary and wages (§ 55-165, Code of Virginia).

_____ 18. Benefits for victims of crime (§ 19.2-368.12, Code of Virginia).

_____ 19. Proceeds from funeral trusts (§ 54.1-2823, Code of Virginia).

_____ 20. Certain retirement benefits (§ 34-34, Code of Virginia).

_____ 21. Child support payments (§ 20-108.1, Code of Virginia).

_____ 22. Support for dependent children (§ 34-4.2, Code of Virginia). To claim this exemption, an affidavit that complies with the requirements of subsection B of § 34-4.2 and two items of proof showing entitlement to this exemption must be attached to this exemption form. (The affidavit, form DC-449, AFFIDAVIT CONCERNING DEPENDENT CHILDREN AND HOUSEHOLD INCOME, is available at www.courts.state.va.us/forms/district/civil.html or the clerk's office.)

_____ 23. Other (describe exemption): $ _____

I request a court hearing to decide the validity of my claim. Notice of hearing should be given to me at:

7
ADDRESS

7
TELEPHONE NUMBER

The statements made in this request are true to the best of my knowledge and belief.

8
DATE

9
SIGNATURE OF JUDGMENT DEBTOR

Data Elements, *reverse*

1. Court case number. Retains number of garnishment case; does not receive a separate unique number.
2. Court name.
3. Name of judgment creditor.
4. Name of judgment debtor.
5. Name of garnishee.
6. Check the appropriate line.
7. Judgment debtor's mailing address and telephone number.
8. Date of signing.
9. Judgment debtor's signature.

VIRGINIA:

IN THE CIRCUIT COURT FOR PRINCE WILLIAM COUNTY

_____
Plaintiff(s)

Vs CL-_____-_____

_____ Judgment No. _____
Defendant(s)

_____
Garnishee

ORDER FOR PAYMENT

IT APPEARING TO THE COURT that the Defendant(s) herein is indebted to the Plaintiff(s) in the sum of _____ ($_____) plus interest and costs.

AND IT FURTHER APPEARING TO THE COURT that the Garnishee herein is indebted to the Defendant(s) in this action in the sum of _____ _____ ($_____), which amount has been withheld by the said Garnishee pursuant to this cause, and that the said Garnishee desires to be released from any further lien under this cause;

AND IT FURTHER APPEARING TO THE COURT that there has been due service herein on the Defendant(s), pursuant to § 8.01-511 of the 1950 Code of Virginia, as amended, it is therefore

ADJUDGED and DECREED that the Garnishee pay to the Clerk, the sum of _____ ($_____), and the said Garnishee be and is hereby, discharged and released from any further claims under the cause upon clearance of said funds in the account of the Clerk of this Court; and it is further

ADJUDGED and DECREED that upon receipt and clearance of said funds from the Garnishee in the account of the Clerk of this Court, the Clerk of this Court shall pay to the order of _____, Counsel for the Plaintiff(s) herein the sum of _____ ($_____), and upon said payment, this cause shall stand DISMISSED.

ENTERED this _____ day of _____, 20_____.

_____
JUDGE

I ASK FOR THIS:

_____
Counsel for Plaintiff/Plaintiff(s)
Va. State Bar #_____

_____
Address
_____

_____
Phone #

_____
Email Address

SUMMONS TO ANSWER INTERROGATORIES

Case No. .....

Commonwealth of Virginia VA. CODE § 8.01-506

..... Circuit Court
CITY OR COUNTY

..... v. .....
PLAINTIFF(S) DEFENDANT(S)

....

....
RESPONDENT SAME AS DEFENDANT

....
ADDRESS/LOCATION

REQUEST FOR SUMMONS TO ANSWER INTERROGATORIES

I request the issuance of a Summons to Answer Interrogatories in connection with the judgment in this case, the details and status of such judgment being:

DATE Prior Writ of Fieri Facias Issued	DATE of Judgment Upon Which Based	AMOUNT	COSTS	ATTORNEY'S FEES
		$	$	$
LEGAL INTEREST DUE ON JUDGMENT: Rate(s) and Beginning Dates(s)	CASE NO. of Case in Which Judgment Entered, if different from above			CREDITS $

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

..... _____
DATE JUDGMENT CREDITOR JUDGMENT CREDITOR'S ATTORNEY

SUMMONS TO ANSWER INTERROGATORIES

TO THE SERVING OFFICER: Return this summons to the Court or 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 Plaintiff(s) against Defendant(s) as indicated below. At Plaintiff(s) request, you are hereby commanded to appear on:

..... at..... before
DATE TIME

.....Commissioner in Chancery

.....
STREET ADDRESS

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

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.

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

..... _____ Clerk
DATE ISSUED

by _____
DEPUTY CLERK

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 and to notify the person entitled to receive such money if such person is known, as required by law.

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

_____ Clerk by _____
DEPUTY CLERK

.....
DATE ISSUED

NOTICE TO DEBTOR — HOW TO CLAIM EXEMPTIONS

The attached paper is a legal process which has been issued by the court clerk on request of a creditor who holds a judgment against you or claims that you owe him money or property. This allows the Sheriff either to take or to "levy upon" (make a list of) certain property in your possession for future sale.

The law provides that some types of property and funds (including some wages) cannot be taken by legal process. Such property is exempt. The Sheriff may not take or "levy on" certain property (§§ 34-26 and 34-27 of the Code of Virginia). Some of these items are:

The family Bible; wedding and engagement rings; family portraits and family heirlooms not to exceed $5,000 in value; a lot in a burial ground; all wearing apparel of the householder not to exceed $1,000 in value; all household furnishings including, but not limited to, beds, dressers, floor coverings, stoves, refrigerators, washing machines, dryers, sewing machines, pots and pans for cooking, plates, and eating utensils, not to exceed $5,000 in value; firearms, not to exceed a total of $3,000 in value; all animals owned as pets, such as cats, dogs, birds, squirrels, rabbits and other pets not kept or raised for sale or profit; medically prescribed health aids; tools, books, instruments, implements, equipment and machines, including motor vehicles, vessels, and aircraft, which are necessary for use in the course of the householder's occupation or trade not exceeding $10,000 in value, except that a perfected security interest on such personal property shall have priority over the claim of exemption under this part ("occupation," includes enrollment in any public or private elementary, secondary, or vocational school or institution of higher education); motor vehicles, not held as exempt as necessary for use in the course of the householder's occupation or trade owned by the householder, not to exceed a total of $6,000 in value, except that a perfected security interest on a motor vehicle shall have priority over the claim of exemption under this part; those portions of a tax refund or government payment attributable to the Child Tax Credit or Additional Child Tax Credit pursuant to § 24 of the Internal Revenue Code of 1986, as amended, or the Earned Income Credit pursuant to § 32 of the Internal Revenue Code of 1986, as amended; unpaid spousal or child support.

The value of an item claimed as exempt shall be the fair market value of the item less any prior security interest. The monetary limits, where provided, are applicable to the total value of property claimed as exempt.

Exemptions which may apply are listed on the other side of this form and the items listed above can be claimed under No. 12. Please read these carefully.

If you believe that any of your property that the Sheriff wants to take or "levy upon" is exempt, you should tell the Sheriff the property that you believe is exempt and which exemption applies. You should also identify any property which belongs to someone else and who is the owner of such property. A false statement may be punished as contempt under §18.2-456(5) of the Code of Virginia.

If the Sheriff "levies on" or takes property that you believe is exempt, you should promptly (i) fill out the REQUEST FOR HEARING—EXEMPTION CLAIM form and (ii) deliver or mail the form to the clerk's office of this court. If the attached paper is an Attachment Summons, you have the right to a prompt hearing within ten business days from the date that you file your request for a hearing with the court. In all other cases, you must *ask* for a prompt hearing before the "Return Date" on the attached papers. If the attached paper is a Writ of Fieri Facias, the property may be sold by the Sheriff before the "Return Date;" therefore, if you wish to claim an exemption, you should ask immediately for a prompt hearing on your claim. At a prompt hearing, the only thing that you may do is explain why your property is exempt. If you do not come to court on the date and at the time set and prove that your property is exempt, you may lose some of your rights regarding your property.

If the Sheriff takes your property, you may post a bond to recover your property; however, once you post a bond, the creditor may post a bond to have the property kept from you. If you retain possession of any property "levied on," *it is your responsibility not* to sell, damage, or otherwise dispose of such property "levied on" until the proceedings are finished.

If the attached paper is an Attachment Summons, a Warrant of Distress, an Order of Seizure in Distress, a Warrant in Detinue or an Order for Detinue Seizure, no judgment has been entered against you yet. On the "Return Date" shown on the attached paper, your case will be tried or scheduled for trial. At that time, you may tell the judge any defenses you may have to the creditor's claims.

It may be helpful to you to *promptly* seek the advice of an attorney regarding this and other exemption rights.

THE REQUEST FOR HEARING—EXEMPTION CLAIM FORM IS PRINTED ON THE OTHER SIDE.

REQUEST FOR HEARING – EXEMPTION CLAIM

Commonwealth of Virginia VA. CODE § 8.01-546.1

Case No. .....

..... Court

..... v. .....

PLAINTIFF/JUDGMENT CREDITOR DEFENDANT/JUDGMENT DEBTOR

I claim that the exemption(s) which are checked below apply in this case:

MAJOR EXEMPTIONS UNDER FEDERAL AND STATE LAW —

[There is no exemption solely because you are having difficulty paying your bills.]

..... 1. Social Security benefits and Supplemental Security Income (SSI) (42 U.S.C. § 407).
..... 2. Veteran's benefits (38 U.S.C. § 5301)
..... 3. Federal civil service retirement benefits (5 U.S.C. § 8346).
..... 4. Annuities to survivors of federal judges (28 U.S.C. § 376(n)).
..... 5. Longshore and Harbor Workers' Compensation Act (33 U.S.C. § 916).
..... 6. Black lung benefits (30 U.S.C. §§ 931 (b)(2)(F) and 932(a)).

Exemptions listed under 1 through 6 above may not be applicable in child support and alimony cases (42 U.S.C. § 659).

..... 7. Seaman's, master's or fisherman's wages, except for child or spousal support and maintenance (46 U.S.C.A. § 11109).
..... 8. Unemployment compensation benefits (§ 60.2-600, Code of Virginia).

This exemption may not be applicable in child support cases (§ 60.2-608, Code of Virginia).

..... 9. Portions or amounts of wages subject to garnishment (§ 34-29, Code of Virginia).
..... 10. Public assistance payments (§ 63.2-506, Code of Virginia)
..... 11. a. Homestead – $5,000, or $10,000 if the householder is 65 years of age or older, worth of cash, personal articles or real property (§§ 34-4, Code of Virginia) [Attach list of items claimed].
b. Property of disabled veterans – additional $10,000 worth of cash, personal articles or real property (§ 34-4.1, Code of Virginia) [Attach list of items claimed].

Exemptions listed under 11 may not be claimed in certain cases such as payment of child or spousal support, or the purchase of the article which is being taken or levied on (§ 34-5, Code of Virginia).

..... 12. Certain specific articles — see description on reverse side (§§ 34-26 and 34-27, Code of Virginia) [Attach list of articles claimed].
..... 13. Workers' Compensation (§ 65.2-531, Code of Virginia).
..... 14. Growing crops (§ 8.01-489, Code of Virginia).
..... 15. Benefits from group life insurance policies (§ 38.2-3339, Code of Virginia).
..... 16. Proceeds from industrial sick benefits insurance (§ 38.2-3549, Code of Virginia).
..... 17. Assignments of certain salary and wages (§ 55-165, Code of Virginia).
..... 18. Pre-need funeral contracts (§ 54.1-2823, Code of Virginia).
..... 19. Benefits for victims of crime (§ 19.2-368.12, Code of Virginia).
..... 20. Certain retirement benefits (§ 34-34, Code of Virginia)
..... 21. Other (describe exemption): .....

I request a court hearing to decide the validity of my claim. Notice of the hearing should be given to me at:

.....
ADDRESS TELEPHONE NUMBER

The statements made in this request are true to the best of my knowledge and belief.

.....
DATE

_____
SIGNATURE OF DEFENDANT/JUDGMENT DEBTOR

Using This Revisable PDF Form

1. Copies

   Same number as copies of form issued in a case.

2. Prepared by judgment debtor.

3. Attachments – one of the following:

   a. DC-416, DETINUE SEIZURE ORDER

   b. DC-424, DISTRESS WARRANT

   c. DC-440, SUMMONS TO ANSWER INTERROGATORIES AND WRIT OF FIERI FACIAS (if writ is completed)

   d. DC-446, ATTACHMENT SUMMONS

   e. DC-467, WRIT OF FIERI FACIAS

   f. DC-468, WRITS OF POSSESSION AND FIERI FACIAS IN DETINUE

   g. DC-469, REQUEST FOR WRIT OF POSSESSION IN UNLAWFUL DETAINER/WRIT OF POSSESSION

4. Preparation details –

   Judgment debtor completes entire form (the front of the form includes instructions on completion of the reverse).

REQUEST FOR HEARING – EXEMPTION CLAIM

Commonwealth of Virginia VA. CODE § 8.01-546.1

Case No. 1

2 Court

3 PLAINTIFF/JUDGMENT CREDITOR v. 4 DEFENDANT/JUDGMENT DEBTOR

I claim that the exemption(s) which are checked below apply in this case:

MAJOR EXEMPTIONS UNDER FEDERAL AND STATE LAW —

[There is no exemption solely because you are having difficulty paying your bills.]

5

1. Social Security benefits and Supplemental Security Income (SSI) (42 U.S.C. § 407).
2. Veteran's benefits (38 U.S.C. § 5301)
3. Federal civil service retirement benefits (5 U.S.C. § 8346).
4. Annuities to survivors of federal judges (28 U.S.C. § 376(n)).
5. Longshore and Harbor Workers' Compensation Act (33 U.S.C. § 916).
6. Black lung benefits (30 U.S.C. §§ 931 (b)(2)(F) and 932(a)).

Exemptions listed under 1 through 6 above may not be applicable in child support and alimony cases (42 U.S.C. § 659).

7. Seaman's, master's or fisherman's wages, except for child or spousal support and maintenance (46 U.S.C.A. § 11109).
8. Unemployment compensation benefits (§ 60.2-600, Code of Virginia).

This exemption may not be applicable in child support cases (§ 60.2-608, Code of Virginia).

9. Portions or amounts of wages subject to garnishment (§ 34-29, Code of Virginia).
10. Public assistance payments (§ 63.2-506, Code of Virginia)
11. a. Homestead – $5,000, or $10,000 if the householder is 65 years of age or older, worth of cash, personal articles or real property (§§ 34-4, Code of Virginia) [Attach list of items claimed].
    b. Property of disabled veterans – additional $10,000 worth of cash, personal articles or real property (§ 34-4.1, Code of Virginia) [Attach list of items claimed].

Exemptions listed under 11 may not be claimed in certain cases such as payment of child or spousal support, or the purchase of the article which is being taken or levied on (§ 34-5, Code of Virginia).

12. Certain specific articles — see description on reverse side (§§ 34-26 and 34-27, Code of Virginia) [Attach list of articles claimed].
13. Workers' Compensation (§ 65.2-531, Code of Virginia).
14. Growing crops (§ 8.01-489, Code of Virginia).
15. Benefits from group life insurance policies (§ 38.2-3339, Code of Virginia).
16. Proceeds from industrial sick benefits insurance (§ 38.2-3549, Code of Virginia).
17. Assignments of certain salary and wages (§ 55-165, Code of Virginia).
18. Pre-need funeral contracts (§ 54.1-2823, Code of Virginia).
19. Benefits for victims of crime (§ 19.2-368.12, Code of Virginia).
20. Certain retirement benefits (§ 34-34, Code of Virginia)
21. Other (describe exemption): 5

I request a court hearing to decide the validity of my claim. Notice of the hearing should be given to me at:

6
ADDRESS TELEPHONE NUMBER

The statements made in this request are true to the best of my knowledge and belief.

7
DATE

8
SIGNATURE OF DEFENDANT/JUDGMENT DEBTOR

Data Elements, *reverse*

1. Court case number.
2. Court name.
3. Name of judgment creditor.
4. Name of judgment debtor.
5. Check the appropriate line. If number 21 is check, judgment debtor should include statutory citation if known.
6. Judgment debtor's mailing address and telephone number.
7. Date of signing.
8. Judgment debtor's signature.

NOTICE TO DEBTOR — HOW TO CLAIM EXEMPTIONS

The attached paper is a legal process which has been issued by the court clerk on request of a creditor who holds a judgment against you or claims that you owe him money or property. This allows the Sheriff either to take or to "levy upon" (make a list of) certain property in your possession for future sale.

The law provides that some types of property and funds (including some wages) cannot be taken by legal process. Such property is exempt. The Sheriff may not take or "levy on" certain property (§§ 34-26 and 34-27 of the Code of Virginia). Some of these items are:

The family Bible; wedding and engagement rings; family portraits and family heirlooms not to exceed $5,000 in value; a lot in a burial ground; all wearing apparel of the householder not to exceed $1,000 in value; all household furnishings including, but not limited to, beds, dressers, floor coverings, stoves, refrigerators, washing machines, dryers, sewing machines, pots and pans for cooking, plates, and eating utensils, not to exceed $5,000 in value; firearms, not to exceed a total of $3,000 in value; all animals owned as pets, such as cats, dogs, birds, squirrels, rabbits and other pets not kept or raised for sale or profit; medically prescribed health aids; tools, books, instruments, implements, equipment and machines, including motor vehicles, vessels, and aircraft, which are necessary for use in the course of the householder's occupation or trade not exceeding $10,000 in value, except that a perfected security interest on such personal property shall have priority over the claim of exemption under this part ("occupation," includes enrollment in any public or private elementary, secondary, or vocational school or institution of higher education); motor vehicles, not held as exempt as necessary for use in the course of the householder's occupation or trade owned by the householder, not to exceed a total of $6,000 in value, except that a perfected security interest on a motor vehicle shall have priority over the claim of exemption under this part; those portions of a tax refund or government payment attributable to the Child Tax Credit pursuant to § 24 of the Internal Revenue Code of 1996, as amended, or the Earned Income Credit pursuant to § 32 of the Internal Revenue Code of 1986, as amended; unpaid spousal or child support.

The value of an item claimed as exempt shall be the fair market value of the item less any prior security interest. The monetary limits, where provided, are applicable to the total value of property claimed as exempt.

Exemptions which may apply are listed on the other side of this form and the items listed above can be claimed under No. 12. Please read these carefully.

If you believe that any of your property that the Sheriff wants to take or "levy upon" is exempt, you should tell the Sheriff the property that you believe is exempt and which exemption applies. You should also identify any property which belongs to someone else and who is the owner of such property. A false statement may be punished as contempt under §18.2-456(5) of the Code of Virginia.

If the Sheriff "levies on" or takes property that you believe is exempt, you should promptly (i) fill out the REQUEST FOR HEARING—EXEMPTION CLAIM form and (ii) deliver or mail the form to the clerk's office of this court. If the attached paper is an Attachment Summons, you have the right to a prompt hearing within ten business days from the date that you file your request for a hearing with the court. In all other cases, you must *ask* for a prompt hearing before the "Return Date" on the attached papers. If the attached paper is a Writ of Fieri Facias, the property may be sold by the Sheriff before the "Return Date;" therefore, if you wish to claim an exemption, you should ask immediately for a prompt hearing on your claim. At a prompt hearing, the only thing that you may do is explain why your property is exempt. If you do not come to court on the date and at the time set and prove that your property is exempt, you may lose some of your rights regarding your property.

If the Sheriff takes your property, you may post a bond to recover your property; however, once you post a bond, the creditor may post a bond to have the property kept from you. If you retain possession of any property "levied on," *it is your responsibility not* to sell, damage, or otherwise dispose of such property "levied on" until the proceedings are finished.

If the attached paper is an Attachment Summons, a Warrant of Distress, an Order of Seizure in Distress, a Warrant in Detinue or an Order for Detinue Seizure, no judgment has been entered against you yet. On the "Return Date" shown on the attached paper, your case will be tried or scheduled for trial. At that time, you may tell the judge any defenses you may have to the creditor's claims.

It may be helpful to you to *promptly* seek the advice of an attorney regarding this and other exemption rights.

THE REQUEST FOR HEARING—EXEMPTION CLAIM FORM IS PRINTED ON THE OTHER SIDE.

AUTHORIZATION FOR ENTRY OF SATISFACTION OF JUDGMENT AND/OR RELEASE OF JUDGMENT LIEN

Va. Code §§ 8.01-453, 8.01-454

'ursuant to Va. Code § 8.01-453, the undersigned directs that the clerk of the court referenced in item number 3 shall enter the satisfaction, as shown below, of the lien of the judgment described below:

1. ..... v. .....

2. ..... Court where judgment entered

3. The court on whose judgment lien docket the lien is to be released is:
   [ ] Court named in No. 2, above
   [ ] .....

4. The judgment was docketed on ..... in Judgment Lien Docket, Page No. .....,
   Book No. ....., or Instrument No. .....

5. Original judgment amount $ .....

5. Date of judgment: .....

7. ..... is/are the judgment creditors.

3. .....is/are the judgment debtor(s) by whom the judgment, as shown below, is satisfied.

). [ ] The judgment debtor(s) has/have satisfied the entire remaining unpaid judgment
   OR
   [ ] Full satisfaction of the judgment has not been made, however, release of the lien is authorized as against the following parcel(s) of real property.

.....

..... DATE

_____ PLAINTIFF

by _____
[ ] PLAINTIFF'S ATTORNEY [ ] PLAINTIFF'S AGENT

State/Commonwealth of ....., [ ] City [ ] County of .....

Subscribed and sworn to/affirmed before me this ..... day of ....., 20 .....

by ..... TITLE
PRINT NAME OF SIGNATORY

..... DATE

_____
[ ] CLERK [ ] DEPUTY CLERK
[ ] NOTARY PUBLIC (My commission expires .....)
Registration No. .....

This *Authorization for Entry of Satisfaction of Judgment and/or Release of Judgment Lien* was filed this the ..... day of ....., 20 .....

_____ Clerk _____ Circuit Court

By: _____, Deputy Clerk

Using This Form

1. Copies

   a. Original – to court.

2. Prepared by plaintiff or plaintiff's attorney.

3. Attachments – none.

4. Preparation details –

   Data Element No. 3 – Check first box if the court where judgment was rendered and recorded in the judgment lien docket is the same. Check second box and insert name of court if judgment rendered in one court and recorded in another.

AUTHORIZATION FOR PARTIAL OR FULL RELEASE OF JUDGMENT LIEN

Va. Code §§ 8.01-453, 8.01-454

Pursuant to Va. Code § 8.01-453, the undersigned directs that the clerk of the court referenced in item number 3 shall enter the satisfaction, in whole or in part as shown below, the lien of the judgment described below:

1. 1 v. _____
2. 2 Court where judgment entered.
3. The court on whose judgment lien docket the lien is to be released in whole or in part is:
   [ ] Court named in No. 2, above 3
   [ ] _____
4. The judgment was docketed on 4 in Judgment Lien Docket Page No. 4,
   Book No. 4, Instrument No. 4
   Instrument No. 4
5. Original judgment amount $ 5
6. Date of judgment: 6
7. 7 is/are the judgment creditors.
8. 8 is/are the judgment debtor(s) by whom the judgment, in whole or in part as shown below, is paid or discharged.
9. The amount of the judgment paid or discharged by the judgment debtor(s) named above is:
   [ ] the entire remaining unpaid judgment
   [ ] partial payment in the amount of $ 9

10 DATE

11 PLAINTIFF

by 12 [ ] PLAINTIFF'S ATTORNEY [ ] PLAINTIFF'S AGENT

State/Commonwealth of 13, [ ] City [ ] County of 13

Subscribed and sworn to/affirmed before me this 13 day of 13, 20 _____

by 13 PRINT NAME OF AFFIANT TITLE

13 DATE

13 NOTARY PUBLIC (My commission expires _____)

Registration No. _____

OR

Commonwealth of Virginia, [ ] City [ ] County of 14:

Subscribed and sworn to/affirmed before me this day by 14

14 DATE

14, Clerk

by 14, Deputy Clerk

This *Authorization for Partial or Full Release of Judgment Lien* was filed this the _____ day of 15, 20 _____

16 Clerk 17 Circuit Court

By: 18, Deputy Clerk

Data Elements

1. Style of case as referenced in judgment.
2. Court name where judgment rendered i.e., _____ District Court _____ Circuit Court.
3. Court where lien is recorded in the judgment lien docket.
4. Date judgment was docketed and book, page or instrument number where judgment was docketed.
5. Amount of original judgment.
6. Date original judgment was rendered.
7. Name(s) of judgment creditor(s).
8. Name(s) of judgment debtor(s).
9. Check first box if amount paid was the remaining unpaid balance. Check second box and indicate amount paid if different from remaining unpaid balance.
10. Date authorization completed.
11. Plaintiff's signature. If executed by plaintiff's attorney or agent, print or type the plaintiff's name.
12. Signature of plaintiff's attorney or agent if authorization prepared by same on plaintiff's behalf. Check appropriate title box.
13. Acknowledgment to be completed by notary public, if applicable.
14. Acknowledgment to be completed by clerk or deputy clerk, if applicable.
15. Date form is filed in the clerk's office.
16. Name of the clerk of court where filed.
17. Name of the circuit court where filed.
18. Signature of deputy clerk.

SECTION E

ADDENDUM FOR PROTECTED IDENTIFYING INFORMATION—CONFIDENTIAL

Case No. .....

Commonwealth of Virginia

In the Circuit Court of the [ ] City [ ] County of .....

..... v. .....

This addendum is filed with and incorporated by reference in the document(s) indicated below, from which the protected identifying information contained herein has been removed by the attorney or party whose signature appears below. This addendum shall be used to distribute such information only as required by law, and may be made available only to the parties, to their attorneys, and to other person(s) as the court may allow.

[ ] Complaint [ ] Petition [ ] Motion [ ] Order [ ] Decree [ ] Other Pleading: .....

[ ] Agreement(s) of the Parties [ ] Transcripts [ ] Other: .....

..... PARTY NAME (LAST, FIRST, MIDDLE)	..... PARTY NAME (LAST, FIRST, MIDDLE)
..... ADDRESS	..... ADDRESS
.....	.....
..... SOCIAL SECURITY NUMBER ..... DATE OF BIRTH	..... SOCIAL SECURITY NUMBER ..... DATE OF BIRTH

NAME OF ASSET, LIABILITY, ACCOUNT, CREDIT CARD	IDENTIFYING ACCOUNT NO.

NAME OF ASSET, LIABILITY, ACCOUNT, CREDIT CARD	IDENTIFYING ACCOUNT NO.

..... CHILD NAME (LAST, FIRST, MIDDLE)	..... SOCIAL SECURITY NUMBER	..... DATE OF BIRTH
..... CHILD NAME (LAST, FIRST, MIDDLE)	..... SOCIAL SECURITY NUMBER	..... DATE OF BIRTH

Attach additional sheet(s) for other information, as needed.

..... DATE	_____ [ ] PARTY [ ] ATTORNEY
..... PRINT NAME	..... ADDRESS /TELEPHONE NUMBER OF SUBSCRIBER

FORM CC-1426 MASTER 5/08
VA. CODE § 20-121.03

VIRGINIA:

IN THE CIRCUIT COURT OF PRINCE WILLIAM COUNTY

_____,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. _____
	)	
_____,	)	
	)	
Defendant.	)	

DOMESTIC CASE PRETRIAL SCHEDULING ORDER

In an effort to promote the orderly and efficient presentation of evidence in cases involving contested divorce, spousal support, custody, visitation, child support and equitable distribution the Court hereby **ORDERS:**

I. Trial: The trial is scheduled to begin on _____ at 10:00 AM without a jury for ____ day(s) based on the estimate of the parties. Every effort should be made to complete the trial in the number of days scheduled. Trials that go over the estimated time and require additional days may have to be continued several weeks or months to complete the hearing due to the status of the Court's docket.

II. Pretrial Conferences: A Pretrial Conference is scheduled for Thursday, _____ at 1:00 p.m. All parties and counsel must attend, absent undue hardship and prior approval of a judge of this court. The Pretrial Conference will be conducted in accordance with Rule 4:13 of the Rules of the Supreme Court of Virginia. Counsel shall be prepared to address the items listed in Rule 4:13.

III. Court Reporter: For all cases involving contested grounds of divorce, custody, visitation, child support, spousal support and/or equitable distribution, the moving party is to arrange for and ensure that a court reporter is present at all times for the trial. That party shall be responsible for payment of the costs of the court reporter and the court will determine at the final hearing how much, if any, reimbursement will be made to that party.

IV. Discovery: The parties shall complete discovery, including depositions, by **thirty (30)** days before trial; however, depositions taken in lieu of live testimony at trial will be permitted until **fifteen (15)** days before trial. "Complete" means that all interrogatories, requests for production, requests for admissions, and other discovery must be served sufficiently in advance of trial to allow a timely response at least **thirty (30)** days before trial. Depositions may be taken after the specified time period by agreement of counsel of record or for good cause shown, provided however, that the taking of a deposition after the deadline established herein shall not provide a basis for continuance of the trial date or the scheduling of motions inconsistent with the normal procedures of the Court. The parties have a duty to seasonably supplement and amend discovery responses pursuant to Rule 4:1(c) of the Rules of the Supreme Court of Virginia. "Seasonably" means as soon as practical. No provision of this order supersedes the Rules of the Supreme Court of Virginia governing discovery. Any discovery motions filed shall contain a certification that counsel has made a good faith effort to resolve the matters set forth in the motion with opposing counsel.

V. Designation of Experts: If requested in discovery, all experts shall be identified on or before **sixty (60)** days before trial. If requested in discovery, experts or opinions responsive to new matters raised in the opposing parties' identification of experts shall be designated no later than **thirty (30)** days before trial. If requested, all information discoverable under Rule 4:1(b) (4) (A) (1) of the Rules of the Supreme Court of Virginia shall be provided or the expert will not ordinarily be permitted to express any non-disclosed opinions at trial. The foregoing deadlines shall not relieve a party of the obligation to respond to discovery requests within the time periods set forth in the Rules of the Supreme Court of Virginia including, in particular, the duty to supplement or amend prior responses pursuant to Rule 4:1(c).

VI. Dispositive Motions: All dispositive motions shall be presented to the Court for hearing as far in advance of the trial date as practical. All counsel of record are encouraged to bring on for hearing all demurrers, special pleas, motions for summary judgment, or other dispositive motions not more than **sixty** days after being filed.

VII. Exhibits and Witness Lists: Counsel of record shall exchange **fifteen** days before trial a list specifically identifying each exhibit to be introduced at trial, copies of any exhibits not previously supplied in discovery, and a list of witnesses proposed to be introduced at trial. The lists of exhibits and witnesses shall be filed with the Clerk of the Court simultaneously therewith, but the exhibits shall not then be filed. Any exhibit or witnesses not so identified and filed will not be received in evidence, except in rebuttal or for impeachment or unless the admission of such exhibit or testimony of the witness would cause no surprise or prejudice to the opposing party and the failure to list the exhibit or witness was through inadvertence. Any objections to exhibits or witnesses shall state the legal reasons therefore except on relevancy grounds, and shall be filed with the Clerk of the Court and a copy delivered to opposing counsel or pro se party at least **five (5)** days before trial or the objections will be deemed waived, absent leave of Court for good cause shown.

VIII. Pretrial Conferences: Pursuant to Rule 4:13 of the Rules of the Supreme Court of Virginia, when requested by any party or upon its own motion, the Court may order a pretrial conference wherein motions *in limine*, settlement discussions or other pretrial motions which may aid in the disposition of this action can be heard.

IX. Motion *in Limine*: Counsel are encouraged to set motions in limine on a Friday motions day as early as possible. Absent leave of Court, any motion *in limine* which requires argument exceeding five minutes shall be filed before the day of the Pretrial Conference and if not heard in accordance with the normal motions procedures of the Court before that Pretrial Conference, shall be set for hearing at that time.

X. Witness Subpoenas: Early filing of a request for witness subpoenas is encouraged so that such subpoenas may be served at least **ten (10)** days before trial.

XI. Continuances: Continuances are discouraged and will only be granted by the Court for good cause shown. In the event of a continuance, a new pretrial order will be entered.

XII. Deposition Transcripts to be used at Trial: Counsel of record shall confer and attempt to identify and resolve all issues regarding the use of depositions at trial. It is the obligation of the proponent of any deposition of any non-party witness who will not appear at trial to advise opposing counsel of record of counsel's intent to use all or a portion of the deposition at trial at the earliest reasonable opportunity. It becomes the obligation of the opponent of any such deposition to bring any objection or other unresolved issues to the Court for hearing before the day of trial.

XIII. Waiver or Modification of Terms or Order: Upon motion, the time limits and prohibitions contained in this order may be waived or modified by leave of Court for good cause shown; however, if both parties are represented by counsel, attorneys may change the schedule by up to seven (7) days by written agreement.

XIV. Equitable Distribution: In all cases involving Equitable Distribution the parties must file all applicable schedules from the list below as follows:

A) At least **fifteen (15)** days prior to trial the parties shall file with the court and deliver to the opposing counsel or pro se party the schedules which are applicable to the case. Each schedule shall be signed by counsel or the pro se party submitting it, and a copy of each schedule shall be furnished to opposing counsel or pro se party, at or before the time of filing with the court. The schedules shall be in spreadsheet or chart format and shall include all necessary information for the court to decide all issues of equitable distribution for each type of asset. The parties are encouraged to file joint schedules if they are in agreement.

B) Objections to Schedules: Within **ten (10)** days of receiving the other parties' schedules, a party shall file with the court and opposing counsel or pro se party all applicable schedules setting forth any and all additions, objections or amendments to the schedules of the other Each schedule shall be signed by counsel for the party or pro se party submitting it, and a copy of each schedule shall be furnished to opposing counsel or pro se party, at or before the time of filing with the court.

List of Schedules

1. **Personal Information Schedule and Factors for Equitable Distribution**
2. **Real and Personal Property Schedule**
3. **Business Property Schedule**
4. **Stocks Investment Portfolio Schedule**
5. **Retirement Funds Schedule**
6. **Pension Fund Schedule**
7. **Debt Schedule.**
8. **Summary Schedule**
9. **Proposed Distribution of Property Schedule**

XV. Conference: Counsel and/or pro se parties are ordered to confer at least **five (5)** days prior to trial in an effort to resolve issues as they are able, to agree upon stipulations of evidence and to agree upon what questions of law and fact are actually in issue.

XVI. Educational Seminar: In any case in which custody, visitation or support is contested, the parties shall attend an educational seminar of no less than four hours' duration from an approved provider and file their certificate of completion by the date of the Pretrial Conference. Approved providers are listed at the Virginia Supreme Court's website at http://webdev.courts.state.va.us/cgi-bin/parented/providers.cgi/g?153J .

ENTERED _____

_____
CIRCUIT COURT JUDGE

_____	_____
Counsel for Plaintiff	Counsel for Defendant

SET BY:

_____Court_____

_____Phone_____

_____Term_____

Name: _____, VSB#_____	Name: _____, VSB#_____
Address: _____	Address: _____
_____	_____
Phone: (____) _____	Phone: (____) _____
FAX: (____) _____	FAX: (____) _____
Email: _____	Email: _____

IN THE EVENT OF SETTLEMENT OR VOLUNTARY DISMISSAL, PLEASE NOTIFY THE COURT **IMMEDIATELY** BY CALLING (703) 792-6171 OR BY FACSIMILE AT (703) 792-6371.

PLACE REQUESTS FOR INTERPRETERS NO LATER THAN 14 DAYS IN ADVANCE OF TRIAL.

THREE BUSINESS DAYS BEFORE THE TRIAL CALL (703) 792-6013 TO GIVE THE COURT A TIME ESTIMATE FOR TRIAL.

VIRGINIA:

IN THE CIRCUIT COURT FOR THE 31ST JUDICIAL CIRCUIT

CM 17-874

STANDING ORDER ESTABLISHING PROCEDURES FOR ENTRY OF PRETRIAL SCHEDULING ORDERS AND SETTING PRETRIAL CONFERENCES IN CERTAIN CASES

In an effort to more efficiently manage the trial docket it is hereby **ORDERED** that contemporaneously with setting the trial date a Pretrial Scheduling Order shall be entered pursuant to Rule 1:18 in every civil case set for trial by jury and in all contested domestic relations cases. In addition, a Pretrial Conference to be held pursuant to *Rules 1:19* and *4:13* will be scheduled all such cases at the time the Pretrial Scheduling Order is entered. A Pretrial Scheduling Order may be entered and a Pretrial Conference may be scheduled in any other case in the discretion of the court. Contested domestic relations cases include, but are not limited to, all cases involving contested grounds of divorce, custody, visitation, child support, spousal support and/or equitable distribution, including any such cases appealed to this court. The Pretrial Conference shall be held approximately 30 to 45 days before the trial.

The following rules apply to all Pretrial Conferences: All counsel shall attend the Pretrial Conference in person unless excused for hardship by a judge of this court. In all contested domestic relations cases, the parties shall also attend the conference in person unless excused for hardship by a judge of this court. Any request to be excused from attending the conference in person for hardship must be made in writing explaining the reasons for the request and filed with the court at least 10 days in advance of the conference with a courtesy copy to Judges Chambers. A judge will enter an order granting or denying the request. If the request is granted, the order will require counsel and/or the party to appear by telephone at the conference.

At the Pretrial Conference, counsel and any pro se parties shall be prepared to address those items listed in Rules 1:19 and 4:13 of the Rules of the Supreme Court of Virginia and in the Pretrial Conference Agenda which is attached hereto and incorporated herein

ENTERED this 29th day of November, 2017.

CARROLL A. WEIMER, JR.
Chief Judge

CRAIG D. JOHNSTON
Circuit Court Judge

TRACY C. HUDSON
Circuit Court Judge

STEVEN S. SMITH
Circuit Court Judge

KIMBERLY A. IRVING
Circuit Court Judge

PRETRIAL CONFERENCE AGENDA

1. The status of trial preparation and whether the parties will be ready for trial as scheduled
2. Current number of trial days allotted, whether it should be extended or shortened and allocation of time within the trial
3. *Identification of issues still in dispute and whether any issues raised in the pleadings have* been resolved by agreement
4. Stipulations as to any facts, exhibits, proffered testimony or other matters
5. Status of discovery and the exchange of items required by the Pretrial Scheduling Order including exhibits and witness lists and equitable distribution schedules
6. The need for a court reporter for the trial and the party responsible for securing the same
7. Special requirements of the parties or the case such as disability access for parties or witnesses, the need for special audio/visual equipment, an unusually large volume of exhibits or the summoning of an unusually large jury pool or the summoning of condemnation commissioners
8. Setting a hearing date and briefing schedule for final pretrial motions such as motions in limine, motions to overrule objections to deposition testimony to be used at trial and motions for summary judgment
9. Whether the case should be assigned to a Judge for trial and further motions
10. Whether there are objections to any experts, the scope of an expert's testimony, the *number of experts and any scheduling issues for experts*
11. Any other matters that may aid in the disposition and efficient trial of the case including any items set out in Rule 4:13 of the Rules of the Supreme Court of Virginia.

12. The court shall make an order which recites the action taken at the conference, the amendments allowed to the pleadings, the agreements made by the parties as to any of the matters considered, and which limits the issues for trial to those not disposed of by admissions or agreements of counsel; and such order when entered shall control the subsequent course of the action, unless modified at the trial to prevent manifest injustice.

SECTION F

LIST OF ALLOWANCES

Commonwealth of Virginia

VENDOR INVOICE NO. .....

VENDOR REFERENCE ..... (MAXIMUM 23 CHARACTERS)

..... CITY OR COUNTY

[ ] General District Court [ ] Traffic [ ] Criminal

[ ] Juvenile & Domestic Relations District Court [ ] Circuit Court

..... VENDOR F.I.N. OR SOCIAL SECURITY NUMBER

..... PAY TO THE ORDER OF: FIRM, CO., INDIVIDUAL

..... ADDRESS

..... CITY, STATE, ZIP

CERTIFICATE OF ALLOWANCE FOR PAYMENT

Said account has been duly examined by the undersigned and it appearing to be correct and unpaid, the account is hereby certified to the Supreme Court of Virginia for payment.

_____ ____/____/____
CLERK/DEPUTY CLERK DATE

Defendant's Name	Case Number	Original Code § Charged	Chart of Allowances Code §
	_ _ _ _ _ _ _ _ _ _ _ _		

Trial/Service Date: / / | Specify case type: __ Adult __ Juvenile | For district court felony, was case certified? __ Yes __ No

For adult criminal and juvenile delinquency cases, specify offense type or equivalent:
__ Misdemeanor __ Felony (Class 1) __ Felony (Class 2) __ Felony (Class 3-6)
__ Felony (unclass., punish. by more than 20 yrs.) __ Felony (unclass., punish. by 20 yrs. or less)

OR

For other juvenile ct. cases, specify type of representation and client: ____ ____ – ____
Appeal from juvenile court? __ Yes __ No

Disposition: ___ Guilty/Delinq. ___ Not Guilty/Not Delinq. ___ Nolle Pros. ___ Defer/Dismiss ___ Dismissed ___ Other _____

Itemize expenses (include receipt for any over $20): _____

Calculate total time spent for charge:
In Court time: ___Hrs. ___Min. $_____
Out of Court time: ___Hrs. ___Min. $_____
Total: $_____

Fee amount claimed (not to exceed cap): $_____
Total expenses: $_____
Waiver amount requested: $_____
Total amount claimed: $_____

Court Use Only – Amount Allowed:
Fee amount: $_____
Expenses: $_____
Waiver amount: $_____
Total: $_____

Defendant's Name	Case Number	Original Code § Charged	Chart of Allowances Code §
	_ _ _ _ _ _ _ _ _ _ _ _		

Trial/Service Date: / / | Specify case type: __ Adult __ Juvenile | For district court felony, was case certified? __ Yes __ No

For adult criminal and juvenile delinquency cases, specify offense type or equivalent:
__ Misdemeanor __ Felony (Class 1) __ Felony (Class 2) __ Felony (Class 3-6)
__ Felony (unclass., punish. by more than 20 yrs.) __ Felony (unclass., punish. by 20 yrs. or less)

OR

For other juvenile ct. cases, specify type of representation and client: ____ ____ – ____
Appeal from juvenile court? __ Yes __ No

Disposition: ___ Guilty/Delinq. ___ Not Guilty/Not Delinq. ___ Nolle Pros. ___ Defer/Dismiss ___ Dismissed ___ Other _____

Itemize expenses (include receipt for any over $20): _____

Calculate total time spent for charge:
In Court time: ___Hrs. ___Min. $_____
Out of Court time: ___Hrs. ___Min. $_____
Total: $_____

Fee amount claimed (not to exceed cap): $_____
Total expenses: $_____
Waiver amount requested: $_____
Total amount claimed: $_____

Court Use Only – Amount Allowed:
Fee amount: $_____
Expenses: $_____
Waiver amount: $_____
Total: $_____

Defendant's Name	Case Number	Original Code § Charged	Chart of Allowances Code §
	_ _ _ _ _ _ _ _ _ _ _ _		

Trial/Service Date: / / | Specify case type: __ Adult __ Juvenile | For district court felony, was case certified? __ Yes __ No

For adult criminal and juvenile delinquency cases, specify offense type or equivalent:
__ Misdemeanor __ Felony (Class 1) __ Felony (Class 2) __ Felony (Class 3-6)
__ Felony (unclass., punish. by more than 20 yrs.) __ Felony (unclass., punish. by 20 yrs. or less)

OR

For other juvenile ct. cases, specify type of representation and client: ____ ____ – ____
Appeal from juvenile court? __ Yes __ No

Disposition: ___ Guilty/Delinq. ___ Not Guilty/Not Delinq. ___ Nolle Pros. ___ Defer/Dismiss ___ Dismissed ___ Other _____

Itemize expenses (include receipt for any over $20): _____

Calculate total time spent for charge:
In Court time: ___Hrs. ___Min. $_____
Out of Court time: ___Hrs. ___Min. $_____
Total: $_____

Fee amount claimed (not to exceed cap): $_____
Total expenses: $_____
Waiver amount requested: $_____
Total amount claimed: $_____

Court Use Only – Amount Allowed:
Fee amount: $_____
Expenses: $_____
Waiver amount: $_____
Total: $_____

I certify that the above claim for expenses is true and accurate and that no compensation for the time or services set forth has previously been received.

_____ ____/____/____ _____
VENDOR'S SIGNATURE DATE VSB MEMBER NUMBER

AMOUNT CERTIFIED FOR PAYMENT $_____

I have reviewed the foregoing information and authorize the amount allowed to the vendor named above.

_____ ____/____/____
JUDGE DATE

Voucher # _____
(OES USE ONLY)

_____ ____/____/____
CHIEF JUDGE DATE
(Chief Judge's signature required when fee for additional waiver is allowed per Form DC-40(A))

FORM DC-40 FRONT 07/10

NOT OFFICIAL
This is a multi part form that is available in the clerk's office

SECTION G

VIRGINIA

IN THE CIRCUIT COURT OF THE 31st JUDICIAL CIRCUIT

COMMONWEALTH OF VIRGINIA

v. CR____-_____

Trial Date: _____ Officer:

ORDER FOR DISCOVERY

This matter having come before the Court upon the parties' agreement to enter an Order for Discovery and Reciprocal Discovery pursuant to Rule 3A:11 of the Rules of the Supreme Court of Virginia;

The Commonwealth is therefore Ordered to provide the following discovery no later than 45 (forty-five) days before the trial date listed above:

1. To permit the accused to inspect and copy or photograph any relevant (i) written or recorded statements or confessions made by the accused, or copies thereof, or the substance of any oral statements or confessions made by the accused to any law enforcement officer, the existence of which is known or becomes known to the Commonwealth's Attorney; and (ii) written reports of autopsies, ballistic tests, fingerprint analyses, handwriting analyses, blood, urine and breath tests, other scientific reports, and written reports of a physical or mental examination of the accused or the alleged victim made in connection with the particular case, or copies thereof, that are known by the Commonwealth's attorney to be within the possession, custody or control of the Commonwealth; and

2. To permit the accused to inspect and copy or photograph material and relevant books, papers, documents, tangible objects, buildings or places, or copies or portions thereof, that are within the possession, custody, or control of the Commonwealth, upon reasonable request. This shall not include or authorize discovery or inspection of statements made by Commonwealth witnesses or prospective Commonwealth witnesses to agents of the Commonwealth or of reports, memoranda, or other internal Commonwealth documents made by agents in connection with the investigation or prosecution of this case, except as otherwise provided herein; and

3. Provide evidence that is required to be disclosed pursuant to *Brady v. Maryland* and its progeny.

PLEA OF GUILTY TO A FELONY

CR_____

1. My name is _____ and my age is__ years. I have completed ___ years of schooling.

2. I am represented by counsel whose name is _____, and I am completely satisfied with his/her service as my lawyer in this matter.

3. I have received a copy of the warrant or indictment before being called upon to plead, and have read and discussed it with my lawyer, and believe that I understand the charge(s) against me in this case. I am the person named in the indictment. I have told my lawyer all the facts and circumstances, as known to me, concerning the case against me and my criminal record, if any. My lawyer has discussed with me the nature of the charge and has advised me as to any possible defenses I might have in this case. I have had ample time to discuss the case and all possible defenses with my lawyer.

4. My lawyer has advised me that the punishment which the law provides is as follows: A maximum of _____ years imprisonment (and a minimum of _____ year(s) imprisonment), or in the discretion of the jury or the Judge sitting without a jury, up to _____ months in jail and a fine of $_____; also that probation may or may not be granted; and that if I plead guilty to more than one offense, the Court may order the sentences to be served consecutively, that is, one after another.

5. I understand that I may, if I so choose, plead "NOT GUILTY" to any charge against me, and if I do plead "NOT GUILTY" the Constitution guarantees me (a) the right to a speedy and public trial by jury; (b) the process of the Court to compel the production of any evidence and the attendance of witnesses in my behalf; (c) the right to have the assistance of a lawyer at all stages of the proceedings; and (d) the right against self-incrimination.

6. I understand that by pleading guilty that I am admitting that I committed the offense as charged, and the only issue to be decided by the Court is punishment.

7. The parties have agreed to recommend the following punishment to the Court:
_____
_____
_____

8. I understand that notwithstanding any recommendation as to punishment, the Court may or may not follow the recommendation, and may impose any sentence within the limits set forth above in Paragraph 4. In the event that the Court does not accept such recommendation, I have been advised and understand that I have no right to withdraw my plea of guilty.

9. I declare no officer or employee of the State or County or Commonwealth's Attorney's Office, or anyone else, has made any promises to me that I would receive a lighter sentence or probation if I plead guilty.

10. I understand I am giving up or waiving the following rights: (a) my right to appeal; (b) my right to a trial by jury; (c) my right to confront and cross-examine my accusers; and (d) my right not to incriminate myself.

11. I understand that if I am not a citizen of the United States and that if I plead guilty or I am found to be guilty, there may be consequences of deportation, exclusion of admission into the United States, or denial of naturalization according to the laws of the United States.

12. My lawyer and I have discussed the Virginia Sentencing Guidelines (Guidelines). I agree that the calculation or result arrived at by my lawyer is based on his/her best efforts and available information. I understand that if the Guidelines calculation that the Court accepts differs from the calculation that my lawyer and I arrived at, I will not have the right or opportunity to withdraw my plea of guilty. I understand that the Guidelines are not binding, that the Court is not required to follow the Guidelines and that the Court may impose a sentence that is higher or lower than the Guidelines up to the limits set out in paragraph 4 above.

13. After having discussed the matter with my lawyer, I do freely and voluntarily plead guilty to the offense of _____, Criminal No. _____, and waive my right to a trial by jury and request the Court to hear all matters of law and fact.

Signed by me in the presence of my lawyer this _____ day of _____, 20____

_____
Defendant

CERTIFICATE OF ATTORNEY FOR THE DEFENDANT

The undersigned lawyer for the above-named defendant, after having made a thorough investigation of the facts and law relating to this case, does certify that I have explained to the defendant the charges in this case; that I have reviewed this document and its contents with the defendant and that the defendant's plea of guilty is voluntarily and understandingly made.

_____
Attorney for the Defendant

CERTIFICATE OF COMMONWEALTH'S ATTORNEY

The above accords with my understanding of the facts in the case.

_____
Assistant Commonwealth's Attorney

The Court, having made inquiry and being of the opinion that the defendant fully understands the nature and consequences of the plea, of the penalties that may be imposed upon conviction, of the waiver of trial by jury, and having determined that the plea of guilty and waiver of right to trial by jury were given knowingly, intelligently, and voluntarily, accepts said plea and waiver and finds the defendant guilty.

_____ _____
DATE JUDGE

PLEA OF GUILTY TO A FELONY
(Pursuant to North Carolina vs Alford, 400 U.S. 25 (1970))

CR_____

1. My name is _____ and my age is ____ years. I have completed _____ years of schooling.

2. I am represented by counsel whose name is _____, and I am satisfied with his/her service as my lawyer in this matter.

3. I have received a copy of the warrant or indictment before being called upon to plead, and have read and discussed it with my lawyer, and believe that I understand the charges against me in this case. I am the person named in the indictment. I have told my lawyer all the facts and circumstances, as known to me, concerning the case against me. My lawyer has discussed with me the nature of the charge and has advised me as to any possible defenses I might have in this case. I have had ample time to discuss the case and all possible defenses with my lawyer.

4. My lawyer has advised me that the punishment which the law provides is as follows:
A maximum of _____ year(s) imprisonment (and a minimum of ____ year(s) imprisonment) or in the discretion of the jury or the Judge sitting without a jury, up to ____ months in jail and a fine of $_____; also that probation may or may not be granted; and that if I plead guilty to more than one offense, the Court may order the sentences to be served consecutively, that is, one after another.

5. I understand that I may, if I so choose, plead "NOT GUILTY" to any charge against me, and if I do plead "NOT GUILTY" the Constitution guarantees me (a) the right to a speedy and public trial by jury; (b) the process of the Court to compel the production of any evidence and the attendance of witnesses in my behalf; (c) the right to have the assistance of a lawyer at all stages of the proceedings; and (d) the right against self-incrimination.

6. I understand that by pleading guilty that I waive my right to an appeal; and that I am pleading guilty because it is in my interest to do so; and that I enter this plea voluntarily, knowingly and understandingly.

7. The parties have agreed to recommend the following punishment to the Court:
_____
_____
_____
_____

8. I understand that notwithstanding any recommendation as to punishment, the Court may or may not follow the recommendation and may impose any sentence within the limits set forth above in Paragraph 4. In the event that the Court does not accept such recommendation, I have been advised and understand that I have no right to withdraw my plea of guilty.

9. I am entering a plea of guilty in this case because it is in my best interest to do so. I am aware of the Commonwealth's evidence against me, and I acknowledge that the evidence is sufficient to convict me. By pleading guilty, I agree that I am giving up or waiving the following rights: (a) my right to a trial by jury; (b) my right to an appeal; (c) my right to confront and cross-examine my accusers; and (d) my right not to incriminate myself.

10. I declare no officer or employee of the State or County or Commonwealth's Attorney's Office, or anyone else, has made any promises to me that I would receive a lighter sentence or probation if I would plead guilty.

11. I understand that if I am not a citizen of the United States and that if I plead guilty or I am found to be guilty, there may be consequences of deportation, exclusion from admission into the United States, or denial of naturalization pursuant to the laws of the United States.

12. My lawyer and I have discussed the Virginia Sentencing Guidelines (Guidelines). I agree that the calculation or result arrived at by my lawyer is based on his/her best efforts and available information. I understand that if the Guidelines calculation that the Court accepts differs from the calculation that my lawyer and I arrived at, I will not have the right or opportunity to withdraw my plea of guilty. I understand that the Guidelines are not binding, that the Court is not required to follow the Guidelines and that the Court may impose a sentence that exceeds or is higher than the Guidelines up to the limits set out in paragraph 4 above.

13. 13. After having discussed the matter with my lawyer, I do freely and voluntarily plead guilty to the offense of _____ Criminal No. _____, and waive my right to a trial by jury and request the Court to hear all matters of law and fact.

Signed by me in the presence of my lawyer:

_____ _____

Date Defendant

CERTIFICATE OF DEFENDANT'S COUNSEL

The undersigned lawyer for the above-named defendant, after having made a thorough investigation of the facts and law relating to this case, does certify that I have explained to the defendant the charges in this case; that I have reviewed this document and its contents with the defendant and that the defendant's plea of guilty is voluntarily and understandingly made.

_____

Attorney for the Defendant

CERTIFICATE OF COMMONWEALTH'S ATTORNEY

The above accords with my understanding of the facts in the case.

_____

Assistant Commonwealth's Attorney

The Court, having made inquiry and being of the opinion that the defendant fully understands the nature and consequences of the plea, of the penalties that may be imposed upon conviction, of the waiver of trial by jury, and having determined that the plea of guilty and waiver of right to trial by jury were given voluntarily, accepts said plea and waiver and finds the defendant guilty.

_____ _____

DATE CIRCUIT COURT JUDGE

PLEA OF GUILTY TO A MISDEMEANOR

CR _____

1. My name is _____ and my age is_____ years. I have completed _____ years of schooling.

2. I am represented by counsel whose name is _____, and I am completely satisfied with his/her services as an attorney.

3. I have received a copy of the summons, warrant or indictment before being called upon to plead, and have read and discussed it with my attorney, and believe that I understand the charge(s) against me in this case. I am the person named in the summons, warrant, or indictment. I understand the nature of the charges against me in this case. I have had ample time to discuss the case and all possible defenses with my attorney or have waived my right to an attorney.

4. I understand that the punishment which the law provides is as follows:
A maximum of _____ months in jail and a fine of $_____; also that probation may or may not be granted; and that if I plead guilty to more than one offense, the Court may order the sentences to be served consecutively, that is, one after another.

5. I understand that I may, if I so choose, plead "NOT GUILTY" to any charge(s) against me, and that if I do plead "NOT GUILTY" the Constitution guarantees me (a) the right to a speedy and public trial by jury; (b) the process of the Court to compel the production of any evidence and the attendance of witnesses in my behalf; (c) the right to have the assistance of a lawyer at all stages of the proceedings; (d) the right against self-incrimination; and (e) the right to confront and cross-examine my accusers.

5. I understand that by pleading guilty that I waive my right to an appeal; and that I am admitting that I committed the offense(s) charged; and that the only issue to be decided by the Court is punishment.

7. The parties have agreed to recommend the following punishment to the Court:

_____

_____

3. I understand that notwithstanding any recommendation as to punishment, the Court may or may not follow the recommendation, and may impose any sentence within the limits set forth above in Paragraph 4. In the event that the Court does not accept such recommendation, I have been advised and understand that I have no right to withdraw my plea of guilty.

). I declare no officer or employee of the State or County or Commonwealth's Attorney's Office, or anyone else, has made any promises to me that I would receive a lighter sentence or probation if I would plead guilty.

0. I understand that if I am not a citizen of the United States and that if I plead guilty or I am found to be

guilty, there may be consequences of deportation, exclusion of admission into the United States, or denial of naturalization according to the laws of the United States.

11. I do freely and voluntarily plead guilty to the offense(s) _____, Criminal Case No. _____, and waive my right to a trial by jury and request the Court to hear all matters of law and fact.

Signed by me _____, this _____ day of _____, 201__

_____
Defendant

CERTIFICATE OF DEFENDANT'S COUNSEL

The undersigned attorney for the above-named defendant, after having made a thorough investigation of the facts relating to this case, do certify that I have explained to the defendant the charges in this case; that the defendant's plea of guilty is freely, voluntarily and understandingly made.

_____
Attorney for the Defendant

CERTIFICATE OF COMMONWEALTH'S ATTORNEY

The above accords with my understanding of the facts in the case.

_____
Assistant Commonwealth's Attorney

The Court, having made inquiry and being of the opinion that the defendant fully understands the nature and consequences of the plea, of the penalties that may be imposed upon conviction, of the waiver of trial by jury, and having determined that the plea of guilty and waiver of right to trial by jury were given knowingly, intelligently, and voluntarily, accepts said plea and waiver and finds the defendant guilty.

_____ _____
DATE JUDGE

Revised 11/1/18

ORDER FOR RESTITUTION (ADULT)

Commonwealth of Virginia VA. CODE § 19.2-305.1

Case No(s). .....

.....

[ ] General District Court [ ] Circuit Court
[ ] Juvenile and Domestic Relations District Court

..... CITY OR COUNTY

[ ] Commonwealth of Virginia v. ..... DEFENDANT

[ ] .....

..... ADDRESS OF DEFENDANT ..... DATE OF BIRTH ..... SOCIAL SECURITY NO. (LAST 4 DIGITS ONLY)

..... CITY ..... STATE ..... ZIP ..... TELEPHONE NO.

Having considered all relevant and material evidence presented as to restitution, the court ORDERS as follows:

THE DEFENDANT IS ORDERED TO PAY RESTITUTION OF $ .....

[ ] with interest accruing at the legal rate from

[ ] the date of loss or damage of ..... DATE [ ] the date of this order [ ] .....E

PAYMENT TO THE CLERK'S OFFICE OF THIS COURT IS DUE IN FULL BY ..... D.....

[ ] A HEARING WILL BE HELD ON ..... HEARING DATE AND TIME TO REVIEW COMPLIANC.....IS ORDER.

[ ] The defendant shall pay restitution as follows (if applicable):

[ ] as part of an approved payment agreement in accordance with Va. Code § 19.2-3..... ment of any fines, costs, restitution and other amounts owed; however, payment of restitution is s..... by the due date above

beginning [ ] ..... DATE [ ] ..... PERIOD OF TIME .....er release from incarceration.

[ ] in payments of $ ..... per .....

beginning [ ] ..... DATE [ ] ..... PE..... after release from incarceration.

[ ] as described in the payment plan submitted by the defend..... incorporated in this order.

[ ] .....

Payment of restitution shall be made on behalf of the followin..... [ ] Supplemental sheet incorporated.

Victim 1: ..... in the amount of $ .....

Victim 2: ..... in the amount of $ .....

Victim 3: ..... in the amount of $ .....

[ ] A proportional percentage of a paym..... paid to each victim. [ ] Each victim should be fully paid in the above order.

[ ] Restitution to be paid by the defend..... severally with the following convicted/adjudicated delinquent persons and any other co-defendants convicte..... delinquent:

..... [ ] DE..... JVENILE ..... [ ] DEFENDANT [ ] JUVENILE

..... DATE OF BIRT..... ..IAL SECURITY NO. (LAST 4 DIGITS ONLY) ..... DATE OF BIRTH ..... SOCIAL SECURITY NO. (LAST 4 DIGITS ONLY)

..... ADDRESS ..... ADDRESS

..... CITY ..... STATE ..... ZIP ..... CITY ..... STATE ..... ZIP

..... TELEPHONE NO. ..... TELEPHONE NO.

[ ] The amount of restitution shall be docketed as a judgment. [ ] Supplemental sheet incorporated.

[ ] .....

Note: Any money paid by the defendant will be paid first to restitution, and any collection costs associated with restitution.

..... DATE _____ JUDGE

I acknowledge that I received a copy of this page at sentencing. _____ DEFENDANT

FORM DC-317 (PAGE 1 OF ___) 07/18

NOT FOR FILING
This is a multi part form that is available in the clerk's office

SUPPLEMENTAL SHEET TO ORDER FOR RESTITUTION FOR CO-DEFENDANT INFORMATION (ADULT/JUVENILE)

Case No. .....

..... HEARING DATE AND TIME

[ ] General District Court [ ] Circuit Court
[ ] Juvenile and Domestic Relations District Court

..... CITY OR COUNTY

In re: .....

[ ] Commonwealth of Virginia v. ..... [ ] DEFENDANT [ ] JUVENILE

[ ] .....

..... ADDRESS OF [ ] DEFENDANT [ ] JUVENILE

..... DATE OF BIRTH ..... SOCIAL SECURITY NO. (LAST 4 DIGITS ONLY)

..... CITY ..... STATE ..... ZIP ..... TELEPHONE NO.

Restitution to be paid by the defendant/juvenile jointly and severally with the following convicted/adjudicated d... ...ons and any other co-defendants convicted/adjudicated delinquent:

..... [ ] DEFENDANT [ ] JUVENILE

..... DATE OF BIRTH ..... SOCIAL SECURITY NO. (LAST 4 DIGITS ONLY)

..... ADDRESS

..... CITY ..... STATE ..... ZIP

..... TELEPHONE NO.

..... [ ] DEFEND ...NILE

..... DATE OF BIRTH ....L SECURITY NO. (LAST 4 DIGITS ONLY)

..... ADDRESS

..... CITY ..... STATE ..... ZIP

..... TELEPHONE NO.

..... [ ] DEFENDANT [ ] JUVENILE

..... DATE OF BIRTH ..... SOCIAL SECURITY ...S ONLY)

..... ADDRESS

..... CITY ..... ZIP

..... NO.

..... [ ] DEFENDANT [ ] JUVENILE

..... DATE OF BIRTH ..... SOCIAL SECURITY NO. (LAST 4 DIGITS ONLY)

..... ADDRESS

..... CITY ..... STATE ..... ZIP

..... TELEPHONE NO.

..... [ ] DEFENDANT [ ] JUVENILE

..... DATE OF BIRTH ..... SOCIAL SECURITY NO. (LAST 4 DIGITS ONLY)

..... ADDRESS

..... CITY ..... STATE ..... ZIP

..... TELEPHONE NO.

..... [ ] DEFENDANT [ ] JUVENILE

..... DATE OF BIRTH ..... SOCIAL SECURITY NO. (LAST 4 DIGITS ONLY)

..... ADDRESS

..... CITY ..... STATE ..... ZIP

..... TELEPHONE NO.

NOT FOR FILING
This is a multi part form that is available in the clerk's office

VIRGINIA:

IN THE CIRCUIT COURT OF THE COUNTY OF PRINCE WILLIAM

COMMONWEALTH OF VIRGINIA

Plaintiff,

v CRIMINAL NUMBER(S) _____

Defendant

The Clerk of this Court is requested to issue a witness subpoena on the behalf of the defendant for each of the following to appear in this court on

The_____ day of _____20_____ at _____ o'clock

_____

_____

_____

_____

_____

1. INDICATE THE COUNTY OF SERVICE (SHERIFF'S OFFICE) FOR EACH PERSON, OR
2. **IF YOU WANT SERVICE BY PRIVATE PROCESS, THIS MUST BE CLEARLY STATED**

Request made this _____ day of _____, 20_____

_____
(Signature)

_____
(Printed name)

_____
(Daytime telephone number)

SUBPOENA FOR WITNESS
COMMONWEALTH OF VIRGINIA
RULE 3A: 12(a); VA. CODE § 19.2-267

Case No. _____

_____ Court

_____
ADDRESS OF COURT

TO: _____ or any other authorized officer
DESIGNATION OF OFFICER

You are commanded to summon (name and address):

_____

To the person summoned:
You are commanded to appear in this Court on

_____, _____, at _____, to testify in the case of

Commonwealth v. _____

_____ v. _____

This subpoena in the above named case is issued on application of the

[ ] Commonwealth
[ ] County
[ ] City
[ ] Town
[ ] Defendant
[ ] Plaintiff
[ ] Juvenile

_____
DATE

_____
[ ] JUDGE
[ ] CLERK
by _____
DEPUTY CLERK

[ ] PROSECUTING ATTORNEY
_____
ADDRESS
_____
VIRGINIA STATE BAR NUMBER

[ ] DEFENSE ATTORNEY
_____
ADDRESS
_____
VIRGINIA STATE BAR NUMBER

RETURN OF SERVICE

[ ] 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.)

[ ] Delivered to a person found in charge of usual place of business or employment during business hours and giving information of its purport.

[ ] not found

_____, Sheriff

Date _____ by _____, Deputy Sheriff

Using This Revisable PDF Form

1. Copies
   a. Original – to serving officer for use in providing proof of service, then to court.
   b. First copy – to person being summoned.
2. Prepared by judge, clerk or (in criminal cases) by prosecuting attorney.
3. Attachments – none.
4. Preparation details – none.

SUBPOENA FOR WITNESS
COMMONWEALTH OF VIRGINIA
RULE 3A: 12(a); VA. CODE § 19.2-267

Case No. 1

2 Court

3
ADDRESS OF COURT

TO: 4 or any other authorized officer
DESIGNATION OF OFFICER

You are commanded to summon (name and address):

5

To the person summoned:
You are commanded to appear in this Court on

6, , at 6, to testify in the case of

Commonwealth v. 7

8 v. 8

This subpoena in the above named case is issued on application of the

9
- [ ] Commonwealth
- [ ] County
- [ ] City
- [ ] Town
- [ ] Defendant
- [ ] Plaintiff
- [ ] Juvenile

10
DATE

11

[ ] JUDGE
[ ] CLERK

by _____
DEPUTY CLERK

[ ] PROSECUTING ATTORNEY

ADDRESS

VIRGINIA STATE BAR NUMBER

[ ] DEFENSE ATTORNEY

ADDRESS

VIRGINIA STATE BAR NUMBER

RETURN OF SERVICE

12 [ ] 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.)

[ ] Delivered to a person found in charge of usual place of business or employment during business hours and giving information of its purport.

[ ] not found

, Sheriff

Date , by , Deputy Sheriff

FORM CC-1342 MASTER 07/13

Data Elements

1. Court case number.
2. Name of court.
3. Street address of court.
4. Name of officer to whom subpoena delivered for service and his bailiwick (e.g. "Sheriff of Madison County," etc.).
5. Name and address of person to be summoned.
6. Date and time of required appearance in court by the person subpoenaed.
7. Insert name of the accused if the Commonwealth is the plaintiff.
8. Insert the complete style of the case if other than Data Element No. 7.
9. Check the appropriate box to describe the party requesting the Subpoena for Witness.
10. Date of issuance of Subpoena for Witness.
11. Signature of person issuing the Subpoena for Witness. Check the appropriate title box and insert the applicable information in the blank lines provided.
12. Return of service is to be completed by sheriff.

VIRGINIA:

IN THE CIRCUIT COURT OF THE COUNTY OF PRINCE WILLIAM

COMMONWEALTH OF VIRGINIA

VS. CRIMINAL NO. _____

_____.

WAIVER OF PRESENTMENT TO GRAND JURY

I, _____, the defendant charged in the warrant in the above-styled case, now before the Circuit Court of Prince William County, Virginia, do hereby waive presentment of the charge set forth in the said warrant to the Grand Jury of the Circuit Court of Prince William County, Virginia, and do hereby agree to be tried on the warrant as such.

Given under my hand this _____ day of _____, 20____.

_____.
DEFENDANT

_____
COUNSEL FOR THE DEFENDANT

VIRGINIA:

IN THE CIRCUIT COURT OF THE COUNTY OF PRINCE WILLIAM

COMMONWEALTH OF VIRGINIA

VS. CRIMINAL NUMBER(S) _____

_____
Defendant

WAIVER OF JURY

I, the undersigned Defendant, having been advised of my right to have a trial by jury waive my right to a trial by jury, and request the Court to hear all matters of law and fact in the above case(s).

Dated this _____ day of _____, _____.

_____
Defendant

_____
Attorney for the Defendant

In concur in the above.

Dated this _____day of _____, _____.

_____
Attorney for the Commonwealth

The Court, being of the opinion that the foregoing waiver is voluntarily and understandingly made by the defendant, doth accept and concur in the said waiver, and it is hereby ORDERED that the consent of the defendant and concurrence of the Commonwealth's Attorney and of the Court are here entered of record.

Filed and made a part of the record this _____day of _____, _____.

_____
JUDGE

VIRGINIA: IN THE CIRCUIT COURT OF PRINCE WILLIAM COUNTY

COMMONWEALTH OF VIRGINIA

VS.

_____ CR_____

DEFENDANT

DEFENDANT'S WAIVER OF RIGHT TO SPEEDY TRIAL

The undersigned Defendant does hereby acknowledge and agree as follows:

1. The defendant has a constitutional right to a speedy trial. This right is guaranteed by virtue of certain constitutional provisions and state law, including, but not limited to the 6th Amendment to the U.S. Constitution and Article I, Section 8, of the Virginia Constitution and Virginia Code Section 19.2-243, as amended. The undersigned has been duly advised that if there was a preliminary hearing in the General District Court and that court found probable cause that the defendant committed a felony, trial in the Circuit Court must be commenced either within five months of the finding of probable cause if the defendant is held continuously in custody. Or, within nine months of the finding of probable cause if the defendant is not held in custody but has been recognized for his/her appearance in court. If there was no preliminary hearing in the General District Court or if the preliminary hearing was waived, the five-month and nine-month periods shall run from either, the date of indictment or presentment, if the defendant has already been arrested, or from the date of arrest, if the defendant was not arrested prior to the indictment or presentment.

2. After consulting with his/her attorney, the Defendant does hereby waive his/her right to a speedy trial for the reasons stated on the record in open court.

3. The Defendant has had the opportunity to consult with his/her attorney and waives his/her right only after consulting with his/her attorney and upon the advice of his/her attorney.

Trial Date Continued. With the agreement of those present, including the Defendant, the Court sets this case for ☐ **trial - with a jury/without a jury** ☐ **plea** on _____ at 10:00 A.M.

_____
Defendant

_____ _____
Commonwealth Counsel for Defendant

_____ _____
Date Date

NOTICE OF APPEAL FROM TRIAL COURT
Pursuant to Rule 5A:6, Rules of the Supreme Court of Virginia

VIRGINIA: IN THE CIRCUIT COURT OF _____
COUNTY/CITY

_____ v. _____

_____, _____
NAME(S) OF PARTY(IES) PLAINTIFF, RESPONDENT OR OTHER DESIGNATION IN TRIAL COURT

hereby appeals to the Court of Appeals of Virginia from the _____
FINAL JUDGMENT / APPEALABLE ORDER OR DECREE

of this court entered on _____ in case no(s) _____.
DATE

Please check if:

[ ] this is a termination of parental rights case (Va. Code §16.1-283, §16.1-277.01, §16.1-277.02 or §16.1-278.3).

[ ] a transcript will be filed. [ ] a statement of facts, testimony, and other incidents of the case will be filed.

CERTIFICATE

The undersigned certifies as follows:

(1) The name(s) and address(es) of appellant(s) are:

_____

[ ] Appellant(s), is (are) not represented by counsel. His/her telephone number(s) is (are):

_____

(2) The name(s), address(es) and telephone number(s) of counsel for appellant(s) is (are):

_____

(3) The name(s) and address(es) of appellee(s) is (are):

_____

[ ] Appellee(s), is (are) not represented by counsel. His/her telephone number(s) is (are):

_____

(4) The name(s), address(es) and telephone number(s) of counsel for appellee(s) is (are):

_____

(5) The name(s), address(es) and telephone number(s) of the guardian *ad litem* for the child(ren) is (are):

_____

(6) [ ] Counsel for appellant, or appellant if not represented by counsel, has ordered from the court reporter who reported the case the transcript for filing as required by Rule 5A:8(a).

(7) [In criminal and termination of parental rights cases:] Counsel for appellant has been [ ] appointed [ ] privately retained.

(8) A copy of this Notice of Appeal has been mailed or delivered to all opposing counsel, and/or to unrepresented parties and the guardian *ad litem*, if applicable, and to the Clerk of the Court of Appeals this _____ day of _____, _____.

_____
(Signature of counsel or unrepresented party)

Using This Form

1. Copies

   a. Original – to trial court.

   b. First copy – to Court of Appeals.

   c. Subsequent copies – to all opposing counsel.

2. Prepared by party who wishes to appeal to the Court of Appeals.

3. Attachments – none.

4. Preparation details –

   a. This form complies with the requirements of Rule 5A:6 of the Rules of the Supreme Court of Virginia.

   b. The box in Data Element number 8 should be checked in a case involving termination of parental rights to ensure preferential docketing of the case.

NOTICE OF APPEAL FROM TRIAL COURT

Pursuant to Rule 5A:6, Rules of the Supreme Court of Virginia

VIRGINIA: IN THE CIRCUIT COURT OF 1 (COUNTY/CITY)

2 v. , 3 (NAME(S) OF PARTY(IES)), 4 (PLAINTIFF, RESPONDENT OR OTHER DESIGNATION IN TRIAL COURT)

hereby appeals to the Court of Appeals of Virginia from the 5 (FINAL JUDGMENT / APPEALABLE ORDER OR DECREE)

of this court entered on 6 (DATE) in case no(s) 7

Please check if:

8 [ ] this is a termination of parental rights case (Va. Code §16.1-283, §16.1-277.01, §16.1-277.02 or §16.1-278.3).

9 [ ] a transcript will be filed. [ ] a statement of facts, testimony, and other incidents of the case will be filed.

CERTIFICATE

The undersigned certifies as follows:

(1) The name(s) and address(es) of appellant(s) are: 10

11 [ ] Appellant(s), is (are) not represented by counsel. His/her telephone number(s) is (are):

(2) The name(s), address(es) and telephone number(s) of counsel for appellant(s) is (are):

12

(3) The name(s) and address(es) of appellee(s) is (are): 13

14 [ ] Appellee(s), is (are) not represented by counsel. His/her telephone number(s) is (are):

(4) The name(s), address(es) and telephone number(s) of counsel for appellee(s) is (are):

15

(5) The name(s), address(es) and telephone number(s) of the guardian *ad litem* for the child(ren) is (are):

16

17 (6) [ ] Counsel for appellant, or appellant if not represented by counsel, has ordered from the court reporter who reported the case the transcript for filing as required by Rule 5A:8(a). 18

(7) [In criminal and termination of parental rights cases:] Counsel for appellant has been [ ] appointed [ ] privately retained.

(8) A copy of this Notice of Appeal has been mailed or delivered to all opposing counsel, and/or to unrepresented parties and the guardian *ad litem*, if applicable, and to the Clerk of the Court of Appeals this 19 day of , 20 .

20

(Signature of counsel or unrepresented party)

Data Elements

1. Name of circuit court.
2. Style of case.
3. Name(s) of party(ies) filing the appeal.
4. Designation of the party(ies) filing the appeal.
5. Title of order or decree that is being appealed.
6. Date of order or decree that is being appealed.
7. Case number(s) of case(s) being appealed.
8. Check this box if this is a case of termination of parental rights.
9. Check the applicable box to indicate if a transcript or statement will be filed.
10. Insert the name(s) and address(es) of the party(ies) appealing (appellant(s)).
11. Check this box if the party(ies) filing the appeal is/are not represented by counsel (an attorney). Insert the telephone number of the party(ies).
12. If applicable, insert the name(s), address(es) and telephone number(s) of counsel representing the party(ies) filing the appeal.
13. Insert the name(s) and address(es) of the opposing party(ies) (appellee(s)).
14. Check this box if the appellee(s) is/are not represented by counsel and insert the telephone number(s) of appellee(s).
15. If applicable, insert the name(s), address(es) and telephone number(s) of counsel representing the appellee(s).
16. If applicable, insert the name(s), address(es) and telephone number(s) of the guardian(s) ad litem for any child(ren) involved in the case.
17. Check if a transcript has been ordered to be filed with the Court of Appeals
18. In criminal and termination of parental rights cases where the appellant is represented by counsel, indicate if counsel was appointed or privately retained by checking the applicable box.
19. Insert the date on which this notice was mailed or delivered to opposing counsel and the Clerk of the Court of Appeals.
20. Signature of appellant's counsel or appellant if he or she is not represented by counsel.

PETITION FOR PAYMENT AGREEMENT FOR FINES AND COSTS OR REQUEST TO MODIFY EXISTING AGREEMENT

Commonwealth of Virginia VA. CODE § 19.2-354.1

Case No(s). .....

.....

.....

[ ] General District Court [ ] Circuit Court

..... [ ] Juvenile and Domestic Relations District Court

CITY OR COUNTY

.....

COURT ADDRESS

[ ] Commonwealth of Virginia v. .....

DEFENDANT/JUVENILE

[ ] .....

....

ADDRESS OF DEFENDANT/JUVENILE SOCIAL SECURITY NO.

....

CITY STATE ZIP TELEPHONE NO.

I cannot pay the fines, costs, forfeiture, restitution (if not otherwise ordered), and/or penalty of $ ..... in full at this time.

[ ] I respectfully petition the court to allow me to pay the fines, costs, forfeiture, restitution (if not otherwise ordered) and/or penalty plus any additional court-appointed attorney fee, if applicable,

[ ] in periodic payments OR

[ ] in one payment due in full on a future date

[ ] and I shall try to make periodic payments until that future date AND/OR

[ ] by doing community service work to earn credit for fines and costs only, if available.

[ ] I respectfully request that the court modify my existing payment agreement for the following reasons:

.....

Court Debt Owed in Other Courts:

[ ] I currently owe unpaid fines, costs, forfeiture, restitution, and/or penalty in ..... other courts.

NO.

[ ] I owe a total of $ ..... in those other courts. [ ] I do not know the total of unpaid court debt owed.

TOTAL OWED

[ ] I pay a total of $ ..... per month towards that unpaid court debt. [ ] DMV summary attached.

[ ] I do not have unpaid court debt in other courts.

Financial Information:

[ ] The information provided to this court by defendant on Form DC-333, FINANCIAL STATEMENT – ELIGIBILITY DETERMINATION FOR INDIGENT DEFENSE SERVICES, as previously submitted, is unchanged.

OR

[ ] This information is provided to this court below in support of this Petition or Request:

Public Assistance:

[ ] I currently receive the following type(s) of public assistance:

[ ] TANF $ ..... [ ] Medicaid [ ] Supplemental Security Income $ .....

[ ] SNAP (food stamps) $ ..... [ ] Other (specify type and amount) .....

[ ] I do not receive public assistance.

Employment:

[ ] I am employed.

[ ] I am not currently employed and it has been ..... months since I was last employed.

	Employer(s)		Occupation
Defendant	[ ] self-employed		.....
Spouse	[ ] self-employed		.....

Number of Dependents .....

	Defendant	Spouse
Household Net Income:		
Take-Home Pay (after taxes, etc.)	$	$ .....
Pay Period (weekly, every 2 weeks, twice monthly, monthly)	$	$ .....
Other Income Sources (specify)	$	$ .....
Income Contribution of Dependents	$	$ .....
TOTAL NET INCOME =	$	

Case No. .....

	Defendant	Spouse
Assets:		
Bank Accounts/Cash on Hand	$	$ .....
Other Assets (specify) ..... with a value of	$	$ .....
Real Estate – $ ..... (NET VALUE)	$	$ .....
Motor Vehicles ..... (YEAR AND MAKE) ..... (YEAR AND MAKE)		
Other Personal Property: (describe)	$	$ .....
.....		
TOTAL ASSETS =	$	
Debts Owed (amount paid per month):		
Car payment	$	$ .....
Rent/mortgage payment	$	$ .....
Credit card payments	$	$ .....
Other monthly payments (not including court debt payments)	$	$ .....
TOTAL MONTHLY DEBTS =	$	

EXCEPTIONAL EXPENSES (Total Exceptional Expenses of Family)

Medical Expenses (list only unusual and continuing expenses) ..... $ .....

Court-ordered child support payments/alimony ..... $ .....

[ ] deducted from paycheck [ ] not deducted from paycheck

Child-care payments (e.g. day care) ..... $ .....

Other (describe):

..... $ .....

TOTAL EXCEPTIONAL EXPENSES $ .....

THIS STATEMENT IS MADE UNDER OATH, ANY FALSE STATEMENT OF A MATERIAL FACT TO ANY QUESTIONS CONTAINED HEREIN SHALL CONSTITUTE PERJURY UNDER THE PROVISIONS OF VA. CODE § 18.2-434. THE MAXIMUM PENALTY FOR PERJURY IS CONFINEMENT IN THE STATE PENITENTIARY FOR A PERIOD OF TEN YEARS.

I hereby state that the above information is correct to the best of my knowledge.

..... (DATE) _____ (DEFENDANT)

Sworn to and signed before me this

..... day of ....., 20 ..... _____ [ ] CLERK [ ] DEPUTY CLERK

FOR NOTARY PUBLIC'S USE ONLY:

State of ..... [ ] City [ ] County of .....

Acknowledged, subscribed and sworn to before me this ..... day of ....., 20 ..... .

..... (NOTARY REGISTRATION NUMBER) _____ (NOTARY PUBLIC)

(My commission expires: .....)

ORDER FOR REQUEST TO MODIFY EXISTING PAYMENT AGREEMENT

Upon request to modify an existing payment agreement,

[ ] the request is granted based upon a good faith showing of need, and the new payment agreement is set forth on form

[ ] DC-210, ACKNOWLEDGMENT OF SUSPENSION OR REVOCATION OF DRIVER'S LICENSE

[ ] CC-1379, ACKNOWLEDGMENT OF SUSPENSION OR REVOCATION OF DRIVER'S LICENSE/ORDER AND NOTICE OF DEFERRED PAYMENT OR INSTALLMENT PAYMENTS.

[ ] the request is denied, and the current payment agreement continues in full force and effect.

..... (DATE) _____ [ ] JUDGE [ ] CLERK [ ] DEPUTY CLERK

PETITION FOR RESTORATION OF DRIVING PRIVILEGE – THIRD OFFENSE COMMONWEALTH OF VIRGINIA

Case No. .....

HEARING DATE AND TIME

.....

.....

.....

PRINCE WILLIAM COUNTY ..... Circuit Court

CITY OR COUNTY

.....

PETITIONER'S NAME

.....

ADDRESS

.....

COMPLETE DATA BELOW IF KNOWN

RACE	SEX	BORN MO.	BORN DAY	BORN YR.	HT. FT.	HT. IN.	WGT.	EYES	HAIR

SSN:

TO THE JUDGE OF THE ABOVE-NAMED COURT:

I respectfully represent that on ....., my driver's license was revoked by the Department of Motor
DATE
Vehicles, pursuant to Virginia Code § 46.2-391 (B), based on the following convictions:

OFFENSE	OFFENSE DATE	CONVICTION DATE	CONVICTING COURT

I have attached a certified transcript of my driving record from the Department of Motor Vehicles.

CHECK A OR B BELOW TO INDICATE THE BASIS OF YOUR PETITION AND COMPLETE OTHER SECTIONS AS APPLICABLE:

[ ] A. Restoration under Va. Code § 46.2-391(C)(1). (Eligible only after five (5) years from the date of the last conviction.) My license was revoked based on and dependent upon three convictions pursuant to Va. Code § 18.2-266, § 18.2-51.4 or Subsection A of § 46.2-341.24 or valid local ordinance or law of another state or jurisdiction relating to operating a motor vehicle under the influence of intoxicants or drugs.

I represent that:

(i) At the time of my convictions, I was addicted to or psychologically dependent on the use of alcohol or other drugs; and

(ii) At this time, I am no longer addicted to or psychologically dependent on the use of alcohol or other drugs; and

(iii) At least five years have passed from the date of the last conviction upon which the revocation of my license was based; and

(iv) I do not constitute a threat to the safety and welfare of myself or others with respect to the operation of a motor vehicle.

I request that the Court restore my privilege to operate a motor vehicle in the Commonwealth upon my evaluation by the Virginia Alcohol Safety Action Program.

If the Court does not restore my privilege to operate a motor vehicle in the Commonwealth as requested above, I further request, as indicated by completing the next section, that the Court authorize the issuance of a restricted license in lieu of restoring my privilege to drive as provided in Va. Code § 46.2-391(C)(1). I request that the Court grant the restricted driver's license for travel to and from the following locations for the following purpose(s):

Case No. .....

[ ] Travel to/from the facility that installed or monitors the ignition interlock on your vehicle(s), if ignition interlock is ordered.

[ ] Travel to/from work [ ] Travel to/from VASAP [ ] Travel during work

[ ] Travel to/from school [ ] Travel to/from school for child

[ ] Travel to/from day care for child

[ ] Travel to/from medical service facility for [ ] you [ ] minor child [ ] elderly parent
[ ] person residing in household: .....

[ ] Travel to/from court ordered visitation with child or children

[ ] Travel to/from appointments with probation officer

[ ] Travel to/from programs required by court or as a condition of probation

[ ] Travel to/from a place of religious worship

.....
NAME AND LOCATION OF PLACE OF WORSHIP

.....
REQUESTED DAY OF WEEK AND TIME FOR TRAVEL

[ ] Travel to/from appointments approved by the Division of Child Support Enforcement of the Department of Social Services as a requirement of participation in an administrative or court-ordered intensive case monitoring program for child support

[ ] Travel to/from jail to serve a sentence on weekends or nonconsecutive days

.....
NAME AND ADDRESS OF EMPLOYER DAYS AND HOURS WORKED

[ ] B. Restricted License under Va. Code § 46.2-391(C)(2). (Eligible only after three (3) years from the date of your last conviction.)
My license was revoked based on and dependent upon three convictions pursuant to Va. Code § 18.2-266, § 18.2-51.4 or Subsection A of § 46.2-341.24 or valid local ordinance or law of another state or jurisdiction relating to operating a motor vehicle under the influence of intoxicants or drugs.
I represent that:
(i) At the time of my convictions, I was addicted to or psychologically dependent on the use of alcohol or other drugs; and
(ii) At this time I am no longer addicted to or psychologically dependent on the use of alcohol or other drugs; and
(iii) At least three years have passed from the date of the last conviction upon which the revocation of my license is based; and
(iv) I do not constitute a threat to the safety and welfare of myself or others with respect to the operation of a motor vehicle.

I request that the Court order the issuance of a restricted license to allow me to drive to and from my home to the place of my employment, upon evaluation by the Virginia Alcohol Safety Action Program.

.....
NAME AND ADDRESS OF EMPLOYER DAYS AND HOURS WORKED

I request that the court hold a hearing on my petition.

.....
DATE

_____
PETITIONER'S SIGNATURE

ORDER RESTORING DRIVING PRIVILEGE – THIRD OFFENSE COMMONWEALTH OF VIRGINIA

Case No. .....

..... Circuit Court
CITY OR COUNTY

.....
PETITIONER'S NAME

.....
ADDRESS

.....

COMPLETE DATA BELOW IF KNOWN

RACE	SEX	BORN MO.	BORN DAY	BORN YR.	HT. FT.	HT. IN.	WGT.	EYES	HAIR

SSN:

ON THE PETITION FOR RESTORATION OF DRIVING PRIVILEGE, AND ON THE EVIDENCE HEARD, INCLUDING THE EVALUATION OF THE VIRGINIA ALCOHOL SAFETY ACTION PROGRAM, IF APPLICABLE, THE COURT FINDS THAT:
The Petitioner's driver's license was revoked by the Department of Motor Vehicles

on ..... pursuant to Virginia Code § 46.2-391(B)
DATE

AND THAT:

[ ] A. (Va. Code § 46.2-391(C)(1)) The Petitioner's driver's license was revoked based on and dependent upon at least three convictions pursuant to Virginia Code § 18.2-266, § 18.2-51.4 or Subsection A of § 46.2-341.24 or valid local ordinance or law of another state or jurisdiction relating to operating a motor vehicle under the influence of intoxicants or drugs, and;

(i) At the time of the previous convictions, Petitioner was addicted to or psychologically dependent on the use of alcohol or other drugs; and

(ii) At this time he is no longer addicted to or psychologically dependent on the use of alcohol or other drugs; and

(iii) *Five* years have passed from the date of the last conviction upon which revocation of the Petitioner's license was based; and

(iv) Petitioner does not constitute a threat to the safety and welfare of himself or others with respect to the operation of a motor vehicle; and

(v) The Court has reviewed the evaluation of the Petitioner prepared by the Virginia Alcohol Safety Action Program and considered its recommendations.

Case No. .....

[ ] B. (Va. Code § 46.2-391(C)(2)) The Petitioner's driver's license was revoked based on and dependent upon at least three convictions pursuant to Virginia Code § 18.2-266, § 18.2-51.4 or Subsection A of § 46.2-341.24 or valid local ordinance or law of another state or jurisdiction relating to operating a motor vehicle under the influence of intoxicants or drugs, and:

(i) At the time of the previous convictions, Petitioner was addicted to or psychologically dependent on the use of alcohol or other drugs; and

(ii) At this time he is no longer addicted to or psychologically dependent on the use of alcohol or other drugs; and

(iii) *Three* years have passed from the date of the last conviction upon which revocation of the Petitioner's license was based; and

(iv) Petitioner does not constitute a threat to the safety and welfare of himself or others with respect to the operation of a motor vehicle.

(v) The Court has reviewed the evaluation of the Petitioner prepared by the Virginia Alcohol Safety Action Program and considered its recommendations.

IT IS THEREFORE ORDERED THAT:

[ ] Petitioner's privilege to drive a motor vehicle in the Commonwealth is restored under Virginia Code § 46.2-391(C) subject to any other requirements for restoration under other provisions of law.

[ ] Petitioner's privilege to drive a motor vehicle in the Commonwealth is restored subject to the following special conditions:

.....

.....

[ ] Petitioner is granted a restricted license to drive a motor vehicle in the Commonwealth, until ....., for the purposes enumerated in the restricted driver's license, during which time he shall be subject to the supervision of the Virginia Alcohol Safety Action Program.

[ ] Travel to/from work [ ] Travel to/from VASAP [ ] Travel during work
[ ] Travel to/from school [ ] Travel to/from school for child [ ] Ignition interlock
[ ] Travel to/from day care for child
[ ] Travel to/from medical service facility for [ ] you [ ] minor child [ ] elderly parent
[ ] person residing in Petitioner's household: .....
[ ] Travel to/from court ordered visitation with child or children
[ ] Travel to/from appointments with probation officer
[ ] Travel to/from programs required by court or as a condition of probation
[ ] Travel to/from place of religious worship

.....
NAME AND LOCATION OF PLACE OF WORSHIP

.....
DAY OF WEEK AND TIME FOR TRAVEL

[ ] Travel to/from appointments approved by the Division of Child Support Enforcement of the Department of Social Services as a requirement of participation in a court-ordered intensive case monitoring program for child support
[ ] Travel to/from jail to serve a sentence on weekends or nonconsecutive days

[ ] The petition to restore driving privileges in the Commonwealth of Virginia is denied.

.....
DATE

_____
JUDGE

PETITION FOR RESTORATION OF DRIVING PRIVILEGE - HABITUAL OFFENDER

COMMONWEALTH OF VIRGINIA

Case No _____

HEARING DATE AND TIME

_____

_____

_____

_____ Circuit Court

CITY OR COUNTY

_____

PETITIONER'S NAME

_____

ADDRESS

_____

COMPLETE DATA BELOW IF KNOWN

RACE	SEX	BORN Mo.	BORN DAY	BORN YR	HT. FT.	HT. IN.	WGT.	EYES	HAIR

SSN

VA. D.L. # (IF DIFFERENT FROM SSN)

TO THE JUDGE OF THE ABOVE-NAMED COURT:

I respectfully represent that on _____ , I was adjudged/determined to be an habitual offender by
DATE

☐ the _____ Court, ☐ the Department of Motor Vehicles,
based on the following convictions which brought me within the definition of "habitual offender":

OFFENSE	OFFENSE DATE	CONVICTION DATE	CONVICTING COURT
OFFENSE	OFFENSE DATE	CONVICTION DATE	CONVICTING COURT
OFFENSE	OFFENSE DATE	CONVICTION DATE	CONVICTING COURT

I have attached a certified "Habitual Offender Restoration Transcript" of my driving record from the Department of Motor Vehicles.

CHECK ONE BOX AS THE BASIS OF YOUR PETITION:

☐ A. Restoration under Va. Code § 46.2-360(I). (Eligibility only after five (5) years from the date of your adjudication or determination unless you are entitled to credit under subsection (iii) below.) I have been adjudged/determined to be an habitual offender based in part on and dependent upon convictions of Va. Code § 18.2-266, § 18.2-51.4 or Subsection A of § 46.2-341.24 or valid local ordinance or law of another state or jurisdiction relating to operating a motor vehicle under the influence of intoxicants or drugs.

I represent that:

(i) At the time of my convictions, I was addicted to or psychologically dependent on the use of alcohol or other drugs; and

(ii) At this time I am no longer addicted to or psychologically dependent on the use of alcohol or other drugs; and

(iii) At least five years have passed from the date on which I was adjudged/determined to be an habitual offender. [For the purposes of determining eligibility under this section, I rely on a period of credit for an administrative suspension by the Department of Motor Vehicles pursuant to Va. Code § 46.2-391(B) (for third offense drunk driving) prior to my adjudication/determination.

☐ Yes ☐ No if yes, period of suspension under § 46.2-391(B):

_____ to _____]; and

(iv) I do not constitute a threat to the safety and welfare of myself or others with respect to the operation of a motor vehicle.

I request that the Court restore my privilege to operate a motor vehicle in the Commonwealth upon my evaluation by the Virginia Alcohol Safety Action Program.

☐ B. Restricted License under Va. Code § 46.2-360(2). (Eligibility only after three (3) years from the date of your adjudication or determination - unless you are entitled to credit under (iii) below.) I have been adjudged/determined to be an habitual offender based in part on and dependent upon convictions of Va. Code § 18.2-266, § 18.2-51.4 or Subsection A of § 46.2-341.24 or valid local ordinance or law of another state or jurisdiction relating to operating a motor vehicle under the influence of intoxicants or drugs.

I represent that:

(i) At the time of my convictions, I was addicted to or psychologically dependent on the use of alcohol or other drugs; and

(ii) At this time I am no longer addicted to or psychologically dependent on the use of alcohol or other drugs; and

(iii) At least *three* years have passed from the date on which I was adjudged/determined to be an habitual offender [For the purposes of determining eligibility under this section, I rely on a period of credit for administrative suspension by the Department of Motor Vehicles pursuant to Va. Code § 46.2-391(B) (for third offense drunk driving) prior to my adjudication/determination:

☐ Yes ☐ No if yes, period of suspension:

_____ to _____]; and

(iv) I do not constitute a threat to the safety and welfare of myself or others with respect to the operation of a motor vehicle.

I request that the Court order the issuance of a restricted license to allow me to drive to and from work and during the course of my employment, upon evaluation by the Virginia Alcohol Safety Action Program.

NAME AND ADDRESS OF EMPLOYER DAYS AND HOURS WORKED

☐ C. Restoration under Va. Code § 46.2-361(A). (Eligibility only after three (3) years from the adjudication/determination and after all fines, court costs, forfeitures, restitution, penalties and/or judgments have been paid in full.) I have been adjudged/determined to be an habitual offender and such adjudication/determination was not based on any drunk driving conviction(s), but was based *in part* and dependent upon a conviction(s) of driving while my license or privilege to drive was suspended or revoked where the suspension or revocation was only for:

- failure to pay fines, costs, forfeitures, restitution and/or penalties; or
- failure to furnish proof of financial responsibility; or
- failure to satisfy a judgment.

I attach proof that all fines, costs, forfeitures, restitution, penalties and/or judgments have been paid in full, and I attach proof of financial responsibility.

I represent that:

(i) At least *three* years have passed since the date of my adjudication/determination as an habitual offender.

(ii) I do not constitute a threat to the safety and welfare of myself or others with respect to the operation of a motor vehicle.

I request that the Court restore my privilege to operate a motor vehicle in the Commonwealth.

☐ D. Restoration under Va. Code § 46.2-361(B). (Immediate eligibility after all fines, court costs, forfeitures, restitutions, penalties and/or judgments have been paid.) I have been adjudged/determined to be an habitual offender based *entirely* upon convictions of driving while my license or privilege to drive was suspended or revoked where the suspension or revocation was only for:

- failure to pay fines, costs, forfeitures, restitution and/or penalties; or
- failure to furnish proof of financial responsibility; or
- failure to satisfy a judgment.

I attach proof that all fines, costs, forfeitures, restitution, penalties and/or judgments have been paid in full, and I attach proof of financial responsibility.

I represent that I do not constitute a threat to the safety and welfare of myself or others with respect to the operation of a motor vehicle. I request that the Court restore my privilege to operate a motor vehicle in the Commonwealth.

☐ E. Restoration under Va. Code § 46.2-359. (Eligibility upon reaching eighteen years of age.) I have been adjudged/determined to be an habitual offender based in whole or in part on findings of not innocent while I was a juvenile. I am now eighteen years of age or older. I request that the Court restore my privilege to operate a motor vehicle in the Commonwealth.

☐ F. Restoration under Va. Code § 46.2-358. (Eligibility after five (5) years from the adjudication/determination where adjudication/determination was based on no drunk driving conditions.) I have been adjudged/determined to be an habitual offender and none of the convictions which brought me within the definition of "habitual offender" were for drunk driving and at least *five* years have now passed since the date of such adjudication/determination. I represent that I do not constitute a threat to the safety and welfare of myself or others with regard to the driving of a motor vehicle. I request that the Court restore my privilege to operate a motor vehicle in the Commonwealth.

I request that the Court hold a hearing on my petition not less than thirty (30) days from the date that the petition is served on the Commonwealth's Attorney and the Commissioner of the Department of Motor Vehicles.

I understand that the Commonwealth's Attorney or the Commissioner of the Department of Motor Vehicles may object to my petition and the Court may deny my request to restore my privilege to operate a motor vehicle in the Commonwealth, may deny the issuance of a restricted driver's license or may place conditions on my privilege to operate a motor vehicle.

_____ _____

DATE PETITIONER'S SIGNATURE

RETURN - COMMONWEALTH'S ATTORNEY

SERVED ON _____

NAME

_____ _____

DATE SERVING OFFICER

FOR _____

RETURN - COMMISSIONER OF DMV:

SERVED ON _____

NAME

_____ _____

DATE SERVING OFFICER

FOR _____

ORDER RESTORING DRIVING PRIVILEGE – HABITUAL OFFENDER

Case No. .....

COMMONWEALTH OF VIRGINIA VA. CODE §§ 46.2-358; 46.2-359; 46.2-360, 46.2-361

..... Circuit Court
CITY OR COUNTY

..... PETITIONER'S NAME

..... ADDRESS

.....

COMPLETE DATA BELOW IF KNOWN

RACE	SEX	BORN MO	BORN DAY	BORN YR	HT. FT	HT. IN.	WGT	EYES	HAIR

SSN:

ON THE PETITION FOR RESTORATION OF DRIVING PRIVILEGE, AND ON THE EVIDENCE HEARD, INCLUDING THE EVALUATION OF THE VIRGINIA ALCOHOL SAFETY ACTION PROGRAM, IF APPLICABLE, THE COURT FINDS THAT:

The Petitioner was adjudged/determined to be an habitual offender by

☐ the ..... Court

☐ Department of Motor Vehicles on .....
DATE

AND THAT:

[ ] A. (Va. Code § 46.2-360(1)) The Petitioner has been adjudged/determined to be an habitual offender based in part on and dependent upon convictions of Va. Code § 18.2-266, § 18.2-51.4 or Subsection A of § 46.2-341.24 or valid local ordinance or law of another state of jurisdiction relating to operating a motor vehicle under the influence of intoxicants or drugs, and:

(i) At the time of the previous convictions, Petitioner was addicted to or psychologically dependent on the use of alcohol or other drugs; and

(ii) At this time he is no longer addicted to or psychologically dependent on the use of alcohol or other drugs; and

(iii) *Five* years have passed from the date on which Petitioner was adjudged/determined to be an habitual offender

[A period of credit is included for administrative suspension by the Department of Motor Vehicles pursuant to Virginia Code § 46.2-391(B) (for third offense drunk driving) prior to adjudication/determination.

☐ Yes ☐ No if yes, period of suspension under § 46.2-391(B):

..... to .....]; and

(iv) Petitioner does not constitute a threat to the safety and welfare of himself or others with respect to the operation of a motor vehicle; and

(v) The Court has reviewed the evaluation of the Petitioner prepared by the Virginia Alcohol Safety Action Program and considered its recommendations.

[ ] B. (Va. Code § 46.2-360(2)) The Petitioner has been adjudged/determined to be an habitual offender based in part on and dependent upon convictions of Va. Code § 18.2-266, § 18.2-51.4 or Subsection A of § 46.2-341.24 or valid local ordinance or law of another state or jurisdiction relating to operating a motor vehicle under the influence of intoxicants or drugs, and:

(i) At the time of the previous convictions, Petitioner was addicted to or psychologically dependent on the use of alcohol or other drugs; and

(ii) At this time he is no longer addicted to or psychologically dependent on the use of alcohol or other drugs; and

(iii) *Three* years have passed from the date on which Petitioner was adjudicated/determined to be an habitual offender

[A period of credit is included for administrative suspension by the Department of Motor Vehicles pursuant to Virginia Code § 46.2-391(B) (for third offense drunk driving) prior to adjudication/determination

☐ Yes ☐ No if yes, period of suspension:

..... to .....]; and

(iv) Petitioner does not constitute a threat to the safety and welfare of himself or others with respect to the operation of a motor vehicle.

(v) The Court has reviewed the evaluation of the Petitioner prepared by the Virginia Alcohol Safety Action Program and considered its recommendations.

[ ] C. (Va. Code § 46.2-361(A)) The Petitioner has been adjudged/determined to be an habitual offender and such adjudication/determination was not based on any drunk driving conviction(s), but was *based in part* and dependent upon convictions of driving while his license or privilege to drive was suspended or revoked where the suspension or revocation was only for:

- failure to pay fines and costs; or
- failure to furnish proof of financial responsibility; or
- failure to satisfy a judgment; and

(i) All fines, costs and/or judgments have been paid in full; and

(ii) Petitioner has demonstrated proof of financial responsibility; and

(iii) *Three* years have passed since the date of Petitioner's adjudication/determination to be an habitual offender; and

(iv) Petitioner does not constitute a threat to the safety and welfare of himself or others with respect to the operation of a motor vehicle.

[ ] D. (Virginia Code § 46.2-361(B)) The Petitioner has been adjudged/determined to be an habitual offender *based entirely* upon convictions of driving while his license or privilege to drive was suspended or revoked where the suspension or revocation was only for:

- failure to pay fines and costs; or
- failure to furnish proof of financial responsibility; or
- failure to satisfy a judgment; and

(i) All fines, costs and/or judgments have been paid in full; and

(ii) Petitioner has demonstrated proof of financial responsibility; and

(iii) Petitioner does not constitute a threat to the safety and welfare of himself or others with respect to the operation of a motor vehicle.

[ ] E. (Virginia Code § 46.2-359) The Petitioner has been adjudged/determined to be an habitual offender in whole or in part based on findings of not innocent while Petitioner was a juvenile, and Petitioner is now eighteen years of age or older.

[ ] F. (Virginia Code § 46.2-358) The Petitioner has been adjudged/determined to be an habitual offender and such adjudication/determination was based on no drunk driving convictions, and five years have passed since the date of such adjudication/determination, and Petitioner does not constitute a threat to the safety and welfare of himself or others with regard to the operation of a motor vehicle.

[ ] G. The Petitioner has not demonstrated sufficient evidence to support the granting of his petition to have his privilege to drive in the Commonwealth restored.

IT IS THEREFORE ORDERED THAT:

[ ] Petitioner's privilege to drive a motor vehicle in the Commonwealth is restored under the Habitual Offender Act subject to any other requirements for restoration under other provisions of law.

[ ] Petitioner's privilege to drive a motor vehicle in the Commonwealth is restored subject to the following special conditions: .....

.....

.....

[ ] Petitioner is granted a restricted license to drive a motor vehicle in the Commonwealth, until ....., for the purposes enumerated in the restricted driver's license, during which time he shall be subject to the supervision of the Virginia Alcohol Safety Action Program.

[ ] Ignition interlock

[ ] travel to/from the facility that installed or monitors the ignition interlock on Petitioner's vehicle(s).

[ ] Travel to/from work [ ] Travel to/from VASAP [ ] Travel during work

[ ] Travel to/from school [ ] Travel to/from school for child

[ ] Travel to/from day care for child

[ ] Travel to/from medical service facility for [ ] you [ ] minor child [ ] elderly parent

[ ] person residing in Petitioner's household: .....

[ ] Travel to/from court ordered visitation with child or children

[ ] Travel to/from appointments with probation officer

[ ] Travel to/from programs required by court or as a condition of probation

[ ] Travel to/from a place of religious worship

.....

NAME AND LOCATION OF PLACE OF RELIGIOUS WORSHIP

.....

DAY OF WEEK AND TIME FOR TRAVEL

[ ] Travel to/from appointments approved by the Division of Child Support Enforcement of the Department of Social Services as a requirement of participation in an administrative or court-ordered intensive case monitoring program for child support.

[ ] Travel to/from jail to serve a sentence on weekends or nonconsecutive days.

[ ] The petition to restore driving privileges in the Commonwealth of Virginia is denied.

[ ] And this cause is ended.

..... _____

DATE JUDGE

VIRGINIA:

IN THE CIRCUIT COURT OF PRINCE WILLIAM COUNTY

_____
(Petitioner's printed name)

VS. CL NO. _____

COMMONWEALTH OF VIRGINIA

SERVE: RICHARD D. HOLCOMB, COMMISSIONER
DEPARTMENT OF MOTOR VEHICLES
2300 WEST BROAD STREET
RICHMOND, VIRGINIA 23269

SERVE: PAUL B. EBERT, ATTORNEY FOR THE COMMONWEALTH
9311 LEE AVENUE
MANASSAS, VIRGINIA 20110

NOTICE AND MOTION FOR RESTORATION OF DRIVING PRIVILEGE

TAKE NOTICE that on Friday, the _____ day of _____, 201__, at 9:00 a.m., the Petitioner, pro se, will appear before the Circuit Court of Prince William County and ask to be heard on the attached petition for restoration of driving privilege.

I ASK FOR THIS:

_____
(Petitioner's signature)

Address of Petitioner:

_____

_____

_____

Petitioner's Phone Number:

_____

The attached worksheet MUST be filled out and turned in the day of your hearing. Failure to do so may result in a delay in the processing of your case.

RESTRICTED LICENSE WORKSHEET

PLEASE ANSWER EACH QUESTION COMPLETELY. PLEASE PRINT NEATLY.

FULL NAME _____ _____

ADDRESS _____

CITY _____ STATE _____ ZIP _____

VIRGINIA LICENSE #/OR SOCIAL SECURITY # _____

RACE____ SEX____ DOB ___/___/___ HGT ___'___" WGT ____ EYES ____ HAIR ____

HOME # _____-_____-_____ WORK # _____-_____-_____

EMPLOYER NAME & ADDRESSS _____

_____

ADDRESS WHERE YOU REPORT TO WORK IF DIFFERENT THAN ABOVE

_____

_____

ND EMPLOYER (NAME & ADDRESS) _____

_____

XACT HOURS YOU REPORT TO WORK AND LEAVE WORK.
P TO SIX DAYS ONLY & 12 HRS PER DAY
O NOT INCLUDE TRAVEL TIME HERE)

UNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
TO	TO	TO	TO	TO	TO	TO

~~O YOU NEED TO DRIVE AS PART OF YOUR EMPLOYMENT?~~ YES _____ NO _____

NGTH OF TIME IT TAKES TO TRAVEL TO WORK ONE-WAY? _____

GRANTED: SCHOOL NAME/ ADDRESSS/ SCHEDULE _____

_____

GRANTED: MEDICAL TRAVEL/GIVE DETAILS: SELF _____ CHILD _____
CTOR'S NAME & ADDRESS/ APPOINTMENT DATES & TIME

_____

PETITION FOR EXPUNGEMENT FILED IN A CIRCUIT COURT – ACQUITTAL/DISMISSAL

Commonwealth of Virginia VA. CODE § 19.2-392.2 A

Case No. .....

..... Circuit Court
CITY OR COUNTY

.....
STREET ADDRESS OF COURT

..... v. Commonwealth of Virginia
NAME OF PETITIONER

1. This petition to expunge the police and court records, including electronic records, relating to the charge(s) detailed in Part 2 (below) is based on subsection A of § 19.2-392.2, as the petitioner was charged with the commission of a crime or offense AND
(CHECK ONE)
   [ ] has been acquitted of the charge.
   [ ] a nolle prosequi of the charge has been taken or the charge has been otherwise dismissed, including dismissal by accord and satisfaction pursuant to Virginia Code Section 19.2-151.
2. I further state that:
   Petitioner's date of birth is: .....
   Petitioner's full name at the time of arrest: .....
   Specific charge(s) to be expunged: .....
   If matter was heard on appeal from General District Court, list applicable General District Court case number(s):
   .....
   [ ] A copy of the warrant or indictment is attached to this petition. Underlying Case No.(s) .....
   Date of arrest: ..... Name of arresting agency: .....
   [ ] A copy of the warrant or indictment [ ] date of arrest or name of arresting agency is not reasonably available because (state reason this information is not available):
   .....
   Date(s) of final disposition of charge(s): ..... Court disposing of charge(s): .....
   ....

The continued existence and possible dissemination of information relating to the arrest of the petitioner causes or may cause circumstances which constitute a manifest injustice to the petitioner. For this reason, I request that the police and court records, including electronic records, relating to the charge(s) be expunged and that a copy of any order of expungement be forwarded to the Department of State Police pursuant to subsection K of § 19.2-392.2.

..... _____
DATE SIGNATURE OF [ ] PETITIONER [ ] ATTORNEY FOR PETITIONER

.....
PRINT NAME

.....
ADDRESS/TELEPHONE NUMBER OF [ ] PETITIONER [ ] ATTORNEY FOR PETITIONER

[ ] I certify that I provided the petitioner a certified copy of this petition. Hearing date and time: .....

..... _____
DATE CLERK

Checklist for petitioner:

[ ] File completed PETITION FOR EXPUNGEMENT FILED IN A CIRCUIT COURT – ACQUITTAL/DISMISSAL in the circuit court of the county or city in which the charge(s) was disposed of, together with all applicable fees and costs and, if required by the clerk of the court, a completed COVER SHEET FOR FILING CIVIL ACTIONS, circuit court form CC-1416.

[ ] Obtain one complete set of fingerprints from a law-enforcement agency and provide a copy of this petition to such law-enforcement agency.

[ ] Have a copy of this petition served on the Commonwealth's Attorney in the county or city in which the PETITION FOR EXPUNGEMENT FILED IN A CIRCUIT COURT – ACQUITTAL/DISMISSAL is filed.

INSTRUCTIONS FOR PETITION FOR EXPUNGEMENT FILED IN A CIRCUIT COURT – ACQUITTAL/DISMISSAL

Virginia Code § 19.2-392.2, relating to the expungement of police and court records, provides in pertinent part as follows:

- Pursuant to § 19.2-392.2 A, a person charged with the commission of a crime may file a petition setting forth the relevant facts and requesting expungement of the police records and the court records relating to the charge IF one of the following is true:
  1. The person is acquitted, or
  2. A nolle prosequi is taken or the charge is otherwise dismissed, including dismissal by accord and satisfaction pursuant to § 19.2-151.
  3. The person is granted an absolute pardon for the commission of a crime for which he has been unjustly convicted.

- Pursuant to § 19.2-392.2 C, the petition with a copy of the warrant or indictment if reasonably available shall be filed in the circuit court of the county or city in which the case was disposed of by acquittal or being otherwise dismissed and shall contain, except where not reasonably available:
  1. The date of arrest and the name of the arresting agency. Where this information is not reasonably available, the petition shall state the reason for such unavailability;
  2. A statement of the specific criminal charge to be expunged;
  3. The date of final disposition of the charge as set forth in the petition;
  4. The petitioner's date of birth; and
  5. The full name used by the petitioner at the time of arrest.

- Pursuant to § 19.2-392.2 D, the petitioner must have a copy of the petition served on the attorney for the Commonwealth of the city or county in which the petition is filed. The attorney for the Commonwealth may file an objection or answer to the petition or may give written notice to the court that he does not object to the petition within twenty-one days after it is served on him.

- Pursuant to § 19.2-392.2 E, the petitioner shall obtain from a law-enforcement agency one complete set of the petitioner's fingerprints and shall provide that agency with a copy of the petition for expungement. The law-enforcement agency shall submit the set of fingerprints to the Central Criminal Records Exchange (CCRE) with a copy of the petition for expungement attached. The CCRE shall forward under seal to the court a copy of the petitioner's criminal history, a copy of the source documents that resulted in the CCRE entry that the petitioner wishes to expunge, and the set of fingerprints. Upon completion of the hearing, the court shall return the fingerprint card to the petitioner. If no hearing was conducted, upon the entry of an order of expungement or an order denying the petition for expungement, the court shall cause the fingerprint card to be destroyed unless, within 30 days of the date of entry of the order, the petitioner requests the return of the fingerprint card in person from the clerk of the court or provides the clerk of the court a self-addressed, stamped envelope for the return of the fingerprint card.

- Circuit court form CC-1473, PETITION FOR EXPUNGEMENT FILED IN A CIRCUIT COURT – ACQUITTAL/DISMISSAL, may be completed and filed by the petitioner in the appropriate circuit court according to these instructions. A completed COVER SHEET FOR FILING CIVIL ACTIONS, circuit court form CC-1416, also may be required by the clerk of the court. Pursuant to § 19.2-392.2 J, costs shall be as provided by § 17.1-275, but shall not be recoverable against the Commonwealth.

- Different procedures for expungement may apply to a petition or motion filed pursuant to § 19.2-392.2 B or § 19.2-392.2 H.

- When a person has been granted an absolute pardon for the commission of a crime that the person did not commit, the person may file circuit court form CC-1472, PETITION FOR EXPUNGEMENT FILED IN A CIRCUIT COURT – ABSOLUTE PARDON, in the circuit court of the county or city in which the conviction occurred.

EXPUNGEMENT ORDER
Commonwealth of Virginia
VA. CODE § 19.2-392.2

Case No. .....

..... Circuit Court
CITY OR COUNTY

.....
NAME OF [ ] PETITIONER [ ] SUBJECT OF WRIT OF ACTUAL INNOCENCE

[ ] The petitioner is seeking relief pursuant to subsection A of Va. Code § 19.2-392.2 because the petitioner was charged with the commission of the following crime(s) or offense(s) .....
....., AND

[ ] has been acquitted of the following charge(s) .....

AND/OR

[ ] a nolle prosequi of the following charge(s) has been taken or the charge(s) have been otherwise dismissed, including dismissal by accord and satisfaction pursuant to Va. Code § 19.2-151 .....
.....

After receiving the criminal history record information from the Central Criminal Records Exchange (CCRE) and

[ ] conducting a hearing on the petition relating to the following charges .....
.....,

AND/OR

[ ] waiving a hearing on the petition for expungement of the following misdemeanor charge(s) upon receipt of written notice from the attorney for the Commonwealth that he does not object to the petition, ...

AND/OR

[ ] waiving a hearing on the petition for expungement of the following felony charge(s) upon receipt of written notice and stipulation from the attorney for the Commonwealth that he does not object to the petition and that the continued existence and possible dissemination of information relating to the arrest of the petitioner causes or may cause circumstances which constitute a manifest injustice to the petitioner, ...

[ ] the court FINDS that

[ ] the continued existence and possible dissemination of information relating to the arrest of the petitioner causes or may cause circumstances that constitute a manifest injustice to the petitioner.

[ ] the petitioner has no prior criminal record, the arrest was for a misdemeanor and the Commonwealth did not show good cause why the police and court records relating to the charge should not be expunged.

[ ] The petitioner is seeking relief pursuant to subsection I of Va. Code § 19.2-392.2 because the petitioner has been granted an absolute pardon for a crime that he did not commit and the court FINDS that such relief is proper

[ ] The court has received the attached copy of a writ of actual innocence pursuant to § 19.2-327.5 or § 19.2-327.13 vacating a conviction

Case No. .....

The court ORDERS that:

[ ] The police and court records, including electronic records, relating to the following charge(s) be expunged pursuant to [ ] subsection F (acquittal/dismissal) [ ] subsection I (absolute pardon) [ ] subsection J (writ of actual innocence) of Va. Code § 19.2-392.2

.....
LIST CHARGE(S) INCLUDING CIRCUIT COURT AND GENERAL DISTRICT COURT CASE NUMBERS, IF KNOWN

[ ] The clerk of this court shall send a copy of this ORDER, along with a copy of the PETITION FOR EXPUNGEMENT or writ of actual innocence, to the Department of State Police to be acted upon in accordance with the rules and regulations adopted pursuant to Va. Code § 9.1-134.

[ ] The court FINDS that the statutory requirements for expungement have not been satisfied for the following charge(s) and therefore, the court ORDERS that the petition be denied as to the following charge(s).

.....
LIST CHARGE(S)

.....
DATE

_____
JUDGE

I certify that I forwarded a copy of this ORDER, along with a copy of the PETITION FOR EXPUNGEMENT or a copy of the writ of actual innocence, to the Virginia Department of State Police

on .....
DATE

_____
CLERK

SECTION H

PROBATE PRE-APPOINTMENT WORKSHEET

To obtain an appointment, please complete the information in this package.

Return the information by: mail or hand carry to the front counter (Clerk of Circuit Court, Attn: Probate, Room 312, 9311 Lee Avenue, Manassas, VA 20110); fax (703-342-0342); or e-mail probate@pwcgov.org.

Do not send the last 2 pages. You will need them when the Probate Clerk calls you.

Probate matters are processed in the order received. A probate clerk will call to discuss what was sent and to set up an appointment, if needed. If you provide an email address, we will confirm receipt of your worksheet.

Date

Total # of Pages (including this page)

Included are:
- ☐ General Information Worksheet
- ☐ Estate Asset Worksheet
- ☐ Copy of Will and Codicil(s) (Do not send original)
- ☐ Copy of Death Certificate (Do not send original)
- ☐ Other

Note: If you are unclear about a question, don't worry; just do the best you can. A Clerk will clarify when calling you.

GENERAL INFORMATION WORKSHEET

Name of persn making request
Mailing Address
Phone #s: home ; work ; cell
E-Mail

Name of assisting attorney (if any)
Attorney's mailing address
Phone # E-Mail

Why requesting appointment
☐ Appointment as executor of will
☐ Appointment as administrator of estate
☐ Appointment as curator
☐ Probate of will
☐ Other

Decedent's (Person who is deceased) Full Name
Decedent's Residence address at time of death
Street City , State
If the above is a nursing home, previous residence address
Street City , State

Date of birth
Date of death Place of death

Decedent died ☐ with a will ☐ without a will
Date of will (and codicils)
Full names of named executors of will

At the time of death was the decedent ☐ Married? ☐ Single? ☐ Divorced? ☐ Widowed?

List of Heirs at Law
The heirs at law are not necessarily the beneficiaries of the will. Heirs at law are determined by kinship to the deceased and are set by Virginia law. (VA Code 64.2-200). If an heir is deceased, include his/her name and indicate (deceased) and also list his/her heirs.

Full Name (First, Middle, Last)	Address	Relationship	Age

ESTATE ASSET WORKSHEET

Did the decedent own in his/her name ONLY (or as tenants in common) any real estate in Prince William, Manassas, and/or Manassas Park? ☐ yes ☐ no
Did the decedent own in his/her name ONLY (or as tenants in common) any real estate elsewhere in Virginia? ☐ yes ☐ no
Did the decedent own in his/her name ONLY (or as tenants in common) any real estate outside of Virginia? ☐ yes ☐ no

Include assets that are in the DECEDENT'S NAME ONLY.
Do NOT include property held jointly with a right of survivorship or assets payable to a named beneficiary (e.g., life insurance policies with a named beneficiary) or assets in a trust or assets payable on death.

Asset	**Value as of Date of Death**
Checking Accounts	$
Savings Accounts	
Money Market Accounts	
Certificates of Deposit	
Mutual Funds	
Investment Accounts	
Stocks	
Bonds	
Life insurance payable to the Estate (not person)	
Business Owned by Decedent	
Accounts Receivable	
Inheritance due the Decedent	
Annuities	
Trust Income	
Pension Income	
Other Securities	
Miscellaneous Cash	
Household Furnishings	
Personal Items	
Cars, Trucks	
Boats, Trailers, RVs	
Subtotal – Personal Property	
Real Estate in Prince William, Manassas, Manassas Park	
Real Estate Elsewhere in Virginia	
Subtotal – Real Property	

DO NOT SEND WITH YOUR WORKSHEET

THIS IS FOR YOUR USE WHEN PROBATE CLERK CALLS (Page 1 of 2)

Name of Probate Clerk _____
E-Mail: probate@pwcgov.org

Appointment Date _____ Time _____

Location: Judicial Center, 9311 Lee Avenue, Room 312, Manassas, VA 20110
You cannot bring in a cell phone that takes pictures nor food nor drink.
You will go through security and then take the elevator to the 3rd floor.
The appointment will take place in room 312.

You will need to bring with you to the appointment (the Clerk will tell you what to check):

☐ Current picture ID of person who is going to qualify.

☐ Original Will and Codicil(s). Please note that the Clerk's Office must retain the original Will and Codicil(s).

☐ Death Certificate of the Decedent. Must be a certified copy with a raised seal. If a named executor or an heir who has first right to qualify is deceased, a certified copy of his/her death certificate is required.

☐ Original Deposition(s). If the Will or Codicil is not self-proving (see www.pwcgov.org/probate) or if the Will is holographic (handwritten), then depositions from witnesses and/or the notary are required. (There is a form.)

☐ Original Waiver(s). Waivers of qualification will need to be provided if an executor names in a Will or Codicil, or an heir that has the first right of qualification desires to waive his/her right to qualify as an executor of administrator. (There is a form.)

☐ Bondsman for Surety Bonds. If surety is required on your fiduciary bond, you will need to arrange for a bondsperson to be present at your designated appointment. You may request a list of know bondsmen from the Clerk's Office to assist you in obtaining the bondsman of your choice.

☐ Appointment of Resident Agent. All non-resident fiduciaries must appoint an in-state resident to serve as resident agent to accept service of process or other notices on behalf of the estate. Prior to being appointed as resident agent, this individual must consent to the appointment in writing.

☐ Notarized renunciation of executor named in will who does not wish to serve.

☐ If, within 30 days from date of death, consent of all heirs at law who do not wish to qualify.

☐ Other

Note: Forms are available at www.courts.state.va.us/forms/circuit/fiduciary.html or in the Clerk's Office All forms must be notarized unless signed in the presence of a Deputy Clerk.

DO NOT SEND WITH YOUR WORKSHEET

THIS IS FOR YOUR USE WHEN PROBATE CLERK CALLS (Page 2 of 2)

☐ Payment. Check or Cash is required for the Probate Fees. Debit and credit cards are not accepted. The exact amount will be determined at the probate appointment. Payment is due at the time of the appointment.

Fees, Taxes and Costs:

State Probate Tax	$.001 x value of probate assets
Recordation of Will	10 or fewer pages $16 11 to 30 pages $30 31 or more pages $50 Includes 1 copy of Certification of Qualification/Clerk's Order
Recordation of List of Heirs	$16
Transfer Fee	$1 per parcel (only if real estate involved)
Clerk's Fee	Sliding scale Estates not exceeding $50,000 -- $20 Estates not exceeding $100,000 -- $25 Estates exceeding $100,000 -- $30
Certification of Qualification	$2 each (one already included in Recordation of Will fee)

SECTION I

CERTIFICATE AND AFFIDAVIT OF SATISFACTION

COMMONWEALTH OF VIRGINIA VA. CODE §§ 55-66.3 to 55-66.6

..... Circuit Court
is the location of the following record referenced by this certificate:

.....	.....	.....	.....
DATE, [ ] DEED OF TRUST [ ] OTHER LIEN	DEED BOOK NO.	PAGE NO.	INSTRUMENT NUMBER

..... or .....
TAX MAP REFERENCE NUMBER PARCEL IDENTIFICATION NUMBER

.....
NAME(S) OF GRANTOR(S)/MAKER(S)

.....
NAME(S) OF TRUSTEE(S)

$ .....
AMOUNTS AND TOTAL OF NOTE(S)

I/WE, lien creditor, settlement agent, or title insurance company, who made payment in satisfaction of the above-mentioned note(s) secured by the above-mentioned deed of trust or other lien, do hereby certify that the same has/have been paid in full, and the lien therein created and retained is hereby released.

..... _____
DATE AUTHORIZED SIGNER

_____
[ ] LIEN CREDITOR
[ ] SETTLEMENT AGENT (CRESPA Registration No.....)
(Settlement Agent's AFFIDAVIT and NOTICE OF INTENT is attached.)
Pursuant to authority granted by Virginia Code § 55-66.3(E)
[ ] TITLE INSURANCE COMPANY (Title Insurance Company's Affidavit and Notice of Intent is attached.)
Pursuant to authority granted by Virginia Code § 55-66.3(E)

State/Commonwealth of ..... [ ] City [ ] County of .....

Acknowledged, subscribed and sworn to before me this ..... day of ....., 20 .....

by .....
LIEN CREDITOR, SETTLEMENT AGENT OR TITLE INSURANCE COMPANY

..... _____
PRINTED NAME OF NOTARY PUBLIC SIGNATURE OF NOTARY PUBLIC
(My commission expires .....)
Registration No. .....

VIRGINIA:
IN THE CLERK'S OFFICE OF THE CIRCUIT COURT

This certificate and affidavit of satisfaction was presented and, with the Certificate annexed, admitted to record on

..... at ..... m.
DATE TIME

Clerk's fee of $ ..... have been paid.

_____, Clerk by_____ Deputy Clerk

CERTIFICATE OF PARTIAL SATISFACTION

COMMONWEALTH OF VIRGINIA VA. CODE §§ 55-66.3 to 55-66.6

..... Circuit Court

is the location of the following record referenced by this certificate:

.....	.....	.....	.....
DATE, DEED OF TRUST/MORTGAGE/OTHER LIEN	DEED BOOK NO.	PAGE NO.	INSTRUMENT NO.

..... or .....

TAX MAP REFERENCE NUMBER — PARCEL IDENTIFICATION NUMBER

.....

NAME(S) OF GRANTOR(S)

.....

NAME(S) OF TRUSTEE(S)

.....

[ ] Maker(s) of Note(s), Bond(s) or other Evidence(s) of Debt [ ] Grantee(s) if no Separate Evidence(s) of Debt

..... $ .....

DATE(S) OF NOTE(S) — AMOUNTS AND TOTAL OF NOTE(S)

The lien of the above-mentioned deed of trust, mortgage or other lien securing the above-mentioned note is released insofar as it is applicable to

.....

DESCRIPTION OF PROPERTY

recorded in deed book ..... at page ..... or instrument no. ..... in the clerk's office of this court.

The undersigned is/are the legal holder(s) of the obligation, note, bond or other evidence of debt secured by said deed of trust, mortgage or other lien.

..... _____

DATE

_____

HOLDER OF NOTE(S), BOND(S) OR OTHER EVIDENCE(S) OF DEBT

[ ] City [ ] County of ..... State/Commonwealth of .....

The foregoing instrument was subscribed and sworn to/affirmed before me this ..... day

of ..... , 20 .....

by .....

HOLDER OF NOTE(S), BOND(S) OR OTHER EVIDENCE(S) OF DEBT

..... _____

PRINTED NAME OF NOTARY PUBLIC — SIGNATURE OF NOTARY PUBLIC

(My commission expires .....)

Registration No. .....

This instrument was admitted to record on ..... at ..... m.

DATE — TIME

_____, Clerk by _____, Deputy Clerk

CERTIFICATE OF RELEASE OF MECHANIC'S LIEN

VA. CODE §§ 43-4, 43-5, 43-8, 43-10, 43-67

..... Virginia Circuit Court is the location of the following record referenced by this certificate:

DATE LIEN RECORDED	DEED BOOK NO.	PAGE NO.	INSTRUMENT NUMBER
.....	.....	.....	.....

..... or .....
TAX MAP REFERENCE NUMBER — PARCEL IDENTIFICATION NUMBER

.....
NAME(S)/ADDRESS(ES) OF OWNER(S) ON WHOSE PROPERTY THE LIEN WAS PLACED

.....

$ ..... amount claimed.

The above-mentioned mechanic's lien is hereby released. (If lien is released with respect to only part of the property or with respect to an amount smaller than the total claimed, indicate conditions:)

.....

_____
CLAIMANT(S)

_____

by _____
[ ] ATTORNEY AT LAW [ ] AGENT [ ] ATTORNEY IN FACT

[ ] City [ ] County of ..... State/Commonwealth of .....

This instrument was acknowledged, subscribed and sworn to before me this ..... day

of ....., 20 .....

by .....
NAME — TITLE

.....
PRINTED NAME OF NOTARY PUBLIC

_____
SIGNATURE OF NOTARY PUBLIC

(My commission expires .....)

Registration No. .....

This instrument was admitted to record on ..... at .....m.
DATE — TIME

_____, Clerk by _____, Deputy Clerk

Form CC-1515 Form CC-1515

CERTIFICATE OF RELEASE OF MECHANIC'S LIEN

Using This Revisable PDF Form

Prepared by claimant, attorney, agent or attorney-in-fact, acknowledged by notary and recorded by clerk or deputy clerk.

Data Elements

1. Court name where record of mechanic's lien was recorded.
2. Date lien was recorded.
3. Deed Book and Page Number where instrument is located.
4. Name(s) and Address(es) of owner(s) of the property which the lien was placed.
5. Amount of the lien.
6. Description of property on which the lien was placed.
7. List any conditions, if any, if entire lien is not released.
8. Signature of claimant(s).
9. Signature of individual executing certificate if other than claimant. Check appropriate title box.

To be completed by person acknowledging signature:

10. City or county name of location where oath is made, date Certificate is acknowledged, name and title of person who is under oath (see Data Element 8), commission expiration date and signature of Notary Public.

To be completed by clerk or deputy clerk:

11. Date and time certificate was admitted to record.
12. Name of clerk or deputy clerk admitting instrument to record.

CERTIFICATE OF RELEASE OF MECHANIC'S LIEN

VA. CODE §§ 43-4, 43-5, 43-8, 43-10, 43-67

1. ..... Virginia, Circuit Court is the location of the following record referenced by this certificate:

2. ..... DATE LIEN RECORDED

3. ..... DEED BOOK NO.

3. ..... PAGE NO.

4. .....
NAME(S)/ADDRESS(ES) OF OWNER(S) ON WHOSE PROPERTY THE LIEN WAS PLACED

.....

$ 5. ..... amount claimed

6.

Brief description of property on which lien was placed: .....

.....

The above-mentioned mechanic's lien is hereby released. (If lien is released with respect to only part of the property or with respect to an amount smaller than the total claimed, indicate conditions:)

7. .....

.....

8. _____
CLAIMANT(S)

_____

9.
by _____

☐ATTORNEY AT LAW ☐AGENT ☐ATTORNEY IN FACT

10. ..... Virginia:
CITY/COUNTY

Acknowledged, subscribed and sworn to before me on ..... 10.
DATE

by ..... 10.
NAME, TITLE, ETC.

MY COMMISSION EXPIRES ..... 10. 10. _____ Notary Public

This instrument was admitted to record on ..... 11. ..... at .....
DATE TIME

12. _____, Clerk by _____, Deputy Clerk

CERTIFICATE OF RELEASE OF
[ ] MEMORANDUM OF LIS PENDENS
[ ] ATTACHMENT

Case No. .....

VIRGINIA: The Circuit Court of the [ ] City [ ] County of .....

is the location of the following record referenced by this certificate:

DATE MEMORANDUM/ ATTACHMENT RECORDED	DEED BOOK NUMBER	PAGE NUMBER	INSTRUMENT NUMBER
.....	.....	.....	.....

..... or .....
TAX MAP REFERENCE NUMBER — PARCEL IDENTIFICATION NUMBER

.....
STYLE OF CAUSE OR ATTACHMENT

..... $ .....
COURT WHERE PENDING — CLAIM ASSERTED BY PLAINTIFF

Description of property:

.....

.....
NAME(S) OF PERSON(S) WHOSE ESTATE IS INTENDED TO BE AFFECTED THEREBY

The above mentioned memorandum of lis pendens/attachment is hereby released.

_____

_____

by _____
[ ] ATTORNEY AT LAW [ ] AGENT [ ] ATTORNEY IN FACT

[ ] City [ ] County of ..... State/Commonwealth of .....

The foregoing instrument was acknowledged, subscribed and sworn to before me this ..... day

of ..... , 20 .....

by .....
HOLDER OF NOTE(S), BOND(S) OR OTHER EVIDENCE(S) OF DEBT

..... _____
PRINTED NAME OF NOTARY PUBLIC — SIGNATURE OF NOTARY PUBLIC
(My commission expires .....)
Registration No. .....

This instrument was admitted to record on ..... at .....m.
DATE — TIME

_____ , Clerk by _____ , Deputy Clerk

FORM CC-1510 MASTER 05/08
VA. CODE §§ 8.01-268, 8.01-269, 8.01-335

AUTHORIZATION FOR ENTRY OF SATISFACTION OF JUDGMENT AND/OR RELEASE OF JUDGMENT LIEN

Va. Code §§ 8.01-453, 8.01-454

Pursuant to Va. Code § 8.01-453, the undersigned directs that the clerk of the court referenced in item number 3 shall enter the satisfaction, as shown below, of the lien of the judgment described below:

1. ..... v. .....
2. ..... Court where judgment entered
3. The court on whose judgment lien docket the lien is to be released is:
   [ ] Court named in No. 2, above
   [ ] .....
4. The judgment was docketed on ..... in Judgment Lien Docket, Page No. .....,
   Book No. ....., or Instrument No. .....
5. Original judgment amount $ .....
6. Date of judgment: .....
7. ..... is/are the judgment creditors.
8. ..... is/are the judgment debtor(s) by whom the judgment, as shown below, is satisfied.
9. [ ] The judgment debtor(s) has/have satisfied the entire remaining unpaid judgment
   OR
   [ ] Full satisfaction of the judgment has not been made, however, release of the lien is authorized as against the following parcel(s) of real property.

.....

..... DATE

_____ PLAINTIFF

by _____
[ ] PLAINTIFF'S ATTORNEY [ ] PLAINTIFF'S AGENT

State/Commonwealth of ....., [ ] City [ ] County of .....

Subscribed and sworn to/affirmed before me this ..... day of ....., 20 .....

by ..... PRINT NAME OF SIGNATORY ..... TITLE

..... DATE

_____
[ ] CLERK [ ] DEPUTY CLERK
[ ] NOTARY PUBLIC (My commission expires .....)
Registration No. .....

This *Authorization for Entry of Satisfaction of Judgment and/or Release of Judgment Lien* was filed this the ..... day of ....., 20 .....

_____ Clerk _____ Circuit Court

By: _____, Deputy Clerk

Using This Form

1. Copies

    a. Original – to court.

2. Prepared by plaintiff or plaintiff's attorney.

3. Attachments – none.

4. Preparation details –

    Data Element No. 3 – Check first box if the court where judgment was rendered and recorded in the judgment lien docket is the same. Check second box and insert name of court if judgment rendered in one court and recorded in another.

AUTHORIZATION FOR PARTIAL OR FULL RELEASE OF JUDGMENT LIEN

Va. Code §§ 8.01-453, 8.01-454

Pursuant to Va. Code § 8.01-453, the undersigned directs that the clerk of the court referenced in item number 3 shall enter the satisfaction, in whole or in part as shown below, the lien of the judgment described below:

1. 1 v. _____
2. 2 Court where judgment entered.
3. The court on whose judgment lien docket the lien is to be released in whole or in part is:
   [ ] Court named in No. 2, above 3
   [ ] _____
4. The judgment was docketed on 4 in Judgment Lien Docket Page No. 4,
   Book No. 4, Instrument No. 4
   Instrument No. 4
5. Original judgment amount $ 5
6. Date of judgment: 6
7. 7 is/are the judgment creditors.
8. 8 is/are the judgment debtor(s) by whom the judgment, in whole or in part as shown below, is paid or discharged.
9. The amount of the judgment paid or discharged by the judgment debtor(s) named above is:
   [ ] the entire remaining unpaid judgment
   9
   [ ] partial payment in the amount of $ 9

10
DATE

11
PLAINTIFF

by 12
[ ] PLAINTIFF'S ATTORNEY [ ] PLAINTIFF'S AGENT

State/Commonwealth of 13, [ ] City [ ] County of 13
Subscribed and sworn to/affirmed before me this 13 day of 13, 20 _____
by 13
PRINT NAME OF AFFIANT TITLE

13
DATE

13
NOTARY PUBLIC (My commission expires _____)
Registration No. _____

OR

Commonwealth of Virginia, [ ] City [ ] County of 14:
Subscribed and sworn to/affirmed before me this day by 14

14
DATE

14, Clerk

by 14, Deputy Clerk

This *Authorization for Partial or Full Release of Judgment Lien* was filed this the _____ day of 15, 20 _____

16 Clerk 17 Circuit Court

By: 18, Deputy Clerk

Data Elements

1. Style of case as referenced in judgment.
2. Court name where judgment rendered i.e., _____ District Court _____ Circuit Court.
3. Court where lien is recorded in the judgment lien docket.
4. Date judgment was docketed and book, page or instrument number where judgment was docketed.
5. Amount of original judgment.
6. Date original judgment was rendered.
7. Name(s) of judgment creditor(s).
8. Name(s) of judgment debtor(s).
9. Check first box if amount paid was the remaining unpaid balance. Check second box and indicate amount paid if different from remaining unpaid balance.
10. Date authorization completed.
11. Plaintiff's signature. If executed by plaintiff's attorney or agent, print or type the plaintiff's name.
12. Signature of plaintiff's attorney or agent if authorization prepared by same on plaintiff's behalf. Check appropriate title box.
13. Acknowledgment to be completed by notary public, if applicable.
14. Acknowledgment to be completed by clerk or deputy clerk, if applicable.
15. Date form is filed in the clerk's office.
16. Name of the clerk of court where filed.
17. Name of the circuit court where filed.
18. Signature of deputy clerk.

SECTION J

FOREIGN LANGUAGE INTERPRETER REQUEST FORM

FOR PRINCE WILLIAM COUNTY CIRCUIT COURTS CIVIL CASES

NAME OF PETITIONER(S)/ RESPONDENT(S): _____

LANGUAGE: _____

COURT DATE(S): _____, _____

CASE NUMBER: _____ TIME ESTIMATE: _____

HAS A CASE BEEN FILED YET: YES _____ NO _____

HOW MANY PEOPLE WILL NEED THE INTERPRETER : _____

WILL THE INTERPRETER BE NEEDED FOR THE ENTIRE PROCEEDING: _____

TYPE OF CASE(S): _____

TYPE OF HEARING: _____

ATTORNEYS NAME (IF ANY): _____

NOTE: *THE INTERPRETERS IS ASSIGNED ONLY FOR COURT PROCEEDINGS; INTERPRETERS ARE NOT ALLOWED TO GIVE ADVISE OR EXPLAIN THE LAW, THEIR ONLY DUTY IS TO INTERPRET BETWEEN YOU AND OFFICERS OF THE COURTS.* PLEASE INFORM THE INTERPRETERS OFFICE LOCATED ON THE THIRD FLOOR IF A PROCEEDING IS CANCELLED, RESCHEDULED OR CONTINUED. (OFFICE NUMBER: 703-792-6927 - CELL. NUMBER: 571-395-7792)

Created: 08/7/2014 (Revised:12/07/2015)
Department of Judicial Services
Foreign Language Services Division