

2000 SESSION

HOUSE SUBSTITUTE

001517664

HOUSE BILL NO. 1205

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice
on February 10, 2000)

(Patron Prior to Substitute—Delegate Cantor)

A BILL to amend and reenact § 8.01-470 of the Code of Virginia, relating to writs on judgments for specific property.

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-470 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-470. Writs on judgments for specific property.

On a judgment for the recovery of specific property, real or personal, a writ of possession may issue for the specific property, which shall conform to the judgment as to the description of the property and the estate, title and interest recovered, and there may also be issued a writ of fieri facias for the damages or profits and costs. In cases of unlawful entry and detainer and of ejectment, the officer to whom a writ of possession has been delivered to be executed shall, at least seventy-two hours before execution, serve notice of intent to execute, including the date and time of execution, on the defendant in accordance with § 8.01-296, with a copy of the writ attached. *The eviction shall be effected by the sheriff within seven business days from the date the writ of possession is received by the sheriff.* In cases of unlawful entry and detainer and of ejectment, whenever the officer to whom a writ of possession has been delivered to be executed finds the premises locked, he may, after declaring at the door the cause of his coming and demanding to have the door opened, employ reasonable and necessary force to break and enter the door and put the plaintiff in possession. And an officer having a writ of possession for specific personal property, if he finds locked or fastened the building or place wherein he has reasonable cause to believe the property specified in the writ is located, may in the daytime, after notice to the defendant, his agent or bailee, break and enter such building or place for the purpose of executing such writ.

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