

2006 SESSION

INTRODUCED

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SENATE BILL NO. 402

Offered January 11, 2006

Prefiled January 11, 2006

A BILL to amend and reenact §§ 8.01-501 and 8.01-514 of the Code of Virginia, relating to return date of certain writs.

Patron—Hanger

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 8.01-501 and 8.01-514 of the Code of Virginia are amended and reenacted as follows:

§ 8.01-501. Lien of fieri facias on estate of debtor not capable of being levied on.

Every writ of fieri facias shall, in addition to the lien it has under §§ 8.01-478 and 8.01-479 on what is capable of being levied on under those sections, be a lien from the time it is delivered to a sheriff or other officer, or any person authorized to serve process pursuant to § 8.01-293, to be executed, on all the personal estate of or to which the judgment debtor is, or may afterwards and on or before the return day of such writ *or before the return day of any wage garnishment to enforce the same*, become, possessed or entitled, in which, from its nature is not capable of being levied on under such sections, except such as is exempt under the provisions of Title 34, and except that, as against an assignee of any such estate for valuable consideration, the lien by virtue of this section shall not affect him unless he had notice thereof at the time of the assignment.

§ 8.01-514. When garnishment summons returnable.

The summons in garnishment ~~shall be returnable to the general~~, *whether issued by a circuit court or a district court from which it issued not more than 90 days after the date thereof and to the circuit court from which it issued, not more than 90 days after the date thereof, except that in the instance of a wage garnishment, the summons shall be returnable not more than 180 days after the date of issuance. When issued by a district court, such summons may be directed to a sheriff of any county or city wherein the judgment debtor resides or where the garnishment defendant resides or where either may be found and shall be made returnable before the general district to the court, and shall be made returnable that issued it within 90 days at some certain place within such county or city named in such summons from the writ's issuance, except that, in the case of a wage garnishment, the summons shall be returnable not more than 180 days after such issuance.*

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