

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 8.01-506 of the Code of Virginia, relating to interrogatories.*

3 [S 1262]

4 Approved

5 **Be it enacted by the General Assembly of Virginia:**6 **1. That § 8.01-506 of the Code of Virginia is amended and reenacted as follows:**7 § 8.01-506. Proceedings by interrogatories to ascertain estate of debtor; summons; proviso; objections
8 by judgment debtor.9 A. To ascertain the personal estate of a judgment debtor, and to ascertain any real estate, in or out of
10 this Commonwealth, to which the debtor named in a judgment and fieri facias is entitled, upon the
11 application of the execution creditor, the clerk of the court from which such fieri facias issued shall
12 issue a summons against (i) the execution debtor, (ii) any officer of the corporation if such execution
13 debtor is a corporation having an office in this Commonwealth, (iii) any employee of a corporation if
14 such execution debtor is a corporation having an office but no officers in the Commonwealth provided
15 that a copy of the summons shall also be served upon the registered agent of the corporation, or (iv) any
16 debtor to, or bailee of, the execution debtor.17 B. The summons shall require him to appear before the court from which the fieri facias issued or a
18 commissioner of the county or city in which such court is located, or a like court or a commissioner of
19 a county or city contiguous thereto, or upon request of the execution creditor, before a like court or a
20 commissioner of the county or city in which the execution debtor resides, or of a county or city
21 contiguous thereto, to answer such interrogatories as may be propounded to him by the execution
22 creditor or his attorney, or the court, or the commissioner, as the case may be. If the execution creditor
23 requests that the summons require the execution debtor to appear before a like court of the county or
24 city in which the execution debtor resides, or of a county or city contiguous thereto, the case may be
25 filed or docketed in accordance with the requirements of § 8.01-506.2 prior to issuance of the summons.26 C. Provided, however, that as a condition precedent to proceeding under this section, the execution
27 creditor has furnished to the court a certificate setting forth that he has not proceeded against the
28 execution debtor under this section within the six months last preceding the date of such certificate.
29 Except that for good cause shown, the court may, on motion of the execution creditor, issue an order
30 allowing further proceedings before a commissioner by interrogatories during the six-month period. Any
31 judgment creditor who knowingly gives false information upon any such certificate made under this
32 article shall be guilty of a Class 1 misdemeanor. *The issuance of a summons that is not served shall not*
33 *constitute the act of proceeding against an execution debtor for purposes of making the certificate*
34 *required by this subsection.*35 D. The debtor or other person served with such summons shall appear at the time and place
36 mentioned and make answer to such interrogatories. The commissioner shall, at the request of either of
37 the parties, enter in his proceedings and report to the court mentioned in § 8.01-507.1, any and all
38 objections taken by such debtor against answering such interrogatories, or any or either of them, and if
39 the court afterwards sustains any one or more of such objections, the answers given to such
40 interrogatories as to which objections are sustained shall be held for naught in that or any other case.41 E. Notwithstanding the foregoing provisions of this section, the court from which a writ of fieri
42 facias issued, upon motion by the execution debtor and for good cause shown, shall transfer debtor
43 interrogatory proceedings to a forum more convenient to the execution debtor.

ENROLLED

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