

LD6267146

## HOUSE BILL NO. 1883

Offered January 20, 1995

*A BILL to amend and reenact § 8.01-512.3 of the Code of Virginia, relating to garnishments.*

Patrons—Cantor, Albo, Baker, McClure and Mims; Senators: Norment, Stolle and Trumbo

Referred to Committee for Courts of Justice

**Be it enacted by the General Assembly of Virginia:****1. That § 8.01-512.3 of the Code of Virginia is amended and reenacted as follows:**

§ 8.01-512.3. Form of garnishment summons.

Any garnishment issued pursuant to § 8.01-511 shall be in the following form:

(a) Front side of summons:

## GARNISHMENT SUMMONS

(Court Name)

*(Name, address and telephone number of judgment creditor except that when the judgment creditor's attorney's name, address and telephone number appear on the summons, only the creditor's name shall be used.)*

(Name, address and telephone number of judgment creditor's attorney)

(Name, street address and social security number of judgment debtor)

(Name and street address of garnishee)

..... Hearing Date and Time

## MAXIMUM PORTION OF

DISPOSABLE EARNINGS SUBJECT

TO GARNISHMENT

☐ Support☐ 50% ☐ 55% ☐ 60% ☐ 65%

(if not specified, then 50%)

☐ state taxes, 100%

If none of the above are

checked, then § 34-29 (a)

(printed on the reverse side

of this summons) applies.

.....

Date of Judgment

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.

## STATEMENT

Judgment Principal \$...

Credits \$...

Interest \$...

Judgment Costs \$...

Attorney's Fees \$...

Garnishment Costs \$...

TOTAL BALANCE DUE \$...

The garnishee shall  
rely on this amount.

56 (2) If the sums of money being garnished are earnings of the judgment  
57 debtor, then the provision of "MAXIMUM PORTION OF DISPOSABLE EARNINGS  
58 SUBJECT TO GARNISHMENT" shall apply.

59 If a garnishment summons is served on an employer having 1,000 or  
60 more employees, then money to which the judgment debtor is or may be  
61 entitled from his or her employer shall be considered those wages,  
62 salaries, commissions or other earnings which, following service on  
63 the garnishee-employer, are determined and are payable to the  
64 judgment debtor under the garnishee-employer's normal payroll  
65 procedure with a reasonable time allowance for making a timely return  
66 by mail to this court.

67 ..... Clerk  
68 Date of Issuance of Summons

69 .....  
70 Date of delivery of writ of fieri facias to sheriff if different from  
71 date of issuance of this summons.

72  
73 (b) A verbatim copy of § 34-29 shall be printed on the reverse side of the summons.