

LD2042312

HOUSE BILL NO. 2133

Offered January 23, 1995

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

Patron—Jones, J.C.

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)~~

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

~~or, if none, address and telephone number of judgment creditor)~~

(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

STATEMENT

Judgment Principal \$...

Credits \$...

Interest \$...

Judgment Costs \$...

Attorney's Fees \$...

☐ Support☐ 50% ☐ 55% ☐ 60% ☐ 65%

(if not specified, then 50%)

Garnishment Costs \$...

☐ state taxes, 100%

If none of the above are

checked, then § 34-29 (a)

(printed on the reverse side

of this summons) applies.

TOTAL BALANCE DUE \$...

The garnishee shall
rely on this amount.

.....

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.

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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

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

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