

VIRGINIA ACTS OF ASSEMBLY -- 2024 SESSION

CHAPTER 744

An Act to amend and reenact § 8.01-506 of the Code of Virginia, relating to debtor interrogatories; fieri facias; against whom a summons shall be issued.

[H 1248]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-506 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-506. Proceedings by interrogatories to ascertain estate of debtor; summons; proviso; objections by judgment debtor.

A. To ascertain the personal estate of a judgment debtor, and to ascertain any real estate, in or out of ~~this the~~ Commonwealth, to which the debtor named in a judgment and fieri facias is entitled, upon the application of the execution creditor, the clerk of the court from which such fieri facias issued shall issue a summons against (i) the execution debtor; (ii) any officer, *manager, or partner* of ~~the a~~ corporation, *limited liability company, partnership, or other business entity* if such execution debtor is a ~~corporation~~ *an entity* having an office in ~~this the~~ Commonwealth; (iii) any employee of a ~~corporation~~ *such entity* if such execution debtor is a ~~corporation~~ *an entity* having an office but no known officers, managers, or partners in the Commonwealth, provided that a copy of the summons shall also be served upon the registered agent of ~~the corporation, such entity;~~ or (iv) any debtor to, or bailee of, the execution debtor *if the judgment creditor or such judgment creditor's attorney files an affidavit that he knows or reasonably suspects such person to be a debtor to, or bailee of, the execution debtor.*

B. The summons shall require him to appear before the court from which the fieri facias issued or a commissioner of the county or city in which such court is located, or a like court or a commissioner of a county or city contiguous thereto, or upon request of the execution creditor, before a like court or a commissioner of the county or city in which the execution debtor resides, or of a county or city contiguous thereto, to answer such interrogatories as may be propounded to him by the execution creditor or his attorney, or the court, or the commissioner, as the case may be. If the execution creditor requests that the summons require the execution debtor to appear before a like court of the county or city in which the execution debtor resides, or of a county or city contiguous thereto, the case may be filed or docketed in accordance with the requirements of § 8.01-506.2 prior to issuance of the summons.

C. ~~Provided, however, that as a condition precedent to~~ *Before* proceeding under this section, the execution creditor ~~has furnished~~ *shall furnish* to the court a certificate setting forth that he has not proceeded against the execution debtor under this section within the six months last preceding the date of such certificate. ~~Except that for~~ *However, for* good cause shown, the court may, on motion of the execution creditor, issue an order allowing further proceedings before a commissioner by interrogatories during the six-month period. Any judgment creditor who knowingly gives false information upon any such certificate made under this article ~~shall be~~ *is* guilty of a Class 1 misdemeanor. The issuance of a summons that is not served shall not constitute the act of proceeding against an execution debtor for purposes of making the certificate required by this subsection.

D. The debtor or other person served with such summons shall appear at the time and place mentioned and make answer to such interrogatories. The commissioner shall, at the request of either of the parties, enter in his proceedings and report to the court mentioned in § 8.01-507.1; any and all objections taken by such debtor against answering such interrogatories, or any or either of them, and if the court afterwards sustains any one or more of such objections, the answers given to such interrogatories as to which objections are sustained shall be held for naught in that or any other case.

E. Notwithstanding the foregoing provisions of this section, the court from which a writ of fieri facias issued, upon motion by the execution debtor ~~and, or by a person summoned pursuant to clause (iv) of subsection A,~~ for good cause shown, shall transfer debtor interrogatory proceedings to a *more convenient* forum ~~more convenient to the execution debtor.~~