

GARNISHMENT SUMMONS

VA. CODE ANN. §§ 8.01-511, 512.3

United States District Court for the Eastern District of Virginia, Norfolk Division

COURT NAME

600 Granby Street, Norfolk, VA 23510

COURT ADDRESS

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 hearing 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 execution, 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 provision of "MAXIMUM PORTION OF DISPOSABLE EARNINGS SUBJECT TO GARNISHMENT" shall apply.

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

DATE OF ISSUANCE

CLERK

DATE OF DELIVERY OF WRIT OF EXECUTION TO SHERIFF
IF DIFFERENT FROM DATE OF ISSUANCE OF THIS SUMMONS

BY: DEPUTY CLERK

To Garnishee: On check or written answer, include return date, case number and judgment debtor's name.

Writ of Execution To Any Authorized Officer:

You are commanded to levy upon the personal property of the Defendant(s) and to make from the tangible personal property and monies of the Defendant(s) the principal, interest, costs and attorney's fees, less credits, as shown in the Garnishment Summons. You are further commanded to make your return to the clerk's office within 90 days of this date, and to notify the person entitled to receive such money, if such person is known and if any money is received, as required by law.

Homestead Exemption Waived? yes no cannot be demanded

DATE

CLERK

By: Deputy Clerk

Case Disposition ORDER that Garnishee pay to Judgment Creditor:

\$ net of any credits DISMISSED OTHER

..... Date Entered Judge

CASE NO.

JUDGMENT CREDITOR'S NAME

* STREET ADDRESS

* CITY, STATE, ZIP

* TELEPHONE NO.

JUDGMENT CREDITOR'S ATTORNEY'S NAME

ADDRESS

TELEPHONE NO.

JUDGMENT DEBTOR'S NAME (SERVE)

STREET ADDRESS

CITY, STATE, ZIP

SOCIAL SECURITY NUMBER

GARNISHEE'S NAME (SERVE)

STREET ADDRESS

CITY, STATE, ZIP

DATE OF JUDGMENT

STATEMENT

\$ Judgment Principal

..... Credits

..... Interest

..... Judgment Costs

..... Attorney's Fee

..... Garnishment Costs

..... TOTAL BALANCE DUE

The garnishee shall rely on this amount.

**HEARING DATE
AND TIME**

Date: _____

Time: _____

* When Judgment Creditor's Attorney's name, address and telephone number appear on this summons, do not include Creditor's address or telephone number.

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.

The following statement is not the law but is an interpretation of the law which is intended to assist those who must respond to this garnishment. You may rely on this only for general guidance because the law itself is the final word. (Read the law, § 34-29 of the Code of Virginia, for a full explanation. A copy of § 34-29 is available at the Clerk's office. If you do not understand the law, call a lawyer for help.)

An employer may take as much as 25 percent of an employee's disposable earnings to satisfy this garnishment. But if any employee makes the minimum wage or less for his week's earnings, the employee will ordinarily get to keep 30 times the minimum hourly wage.

But an employer may withhold a different amount of money from that above if:

(1) The employee must pay child support or spousal support and was ordered to do so by a court procedure or other legal procedure. No more than 65 percent of an employee's earnings may be withheld for support;

(2) Money is withheld by order of a bankruptcy court; or

(3) Money is withheld for a tax debt.

"Disposable earnings" means the money an employee makes "after taxes" and after other amounts required by law to be withheld are satisfied. Earnings can be salary, hourly wages, commissions, bonuses, payments to an independent contractor, or otherwise, whether paid directly to the employee or not.

If an employee tries to transfer, assign or in any way give his earnings to another person to avoid the garnishment, it will not be legal; earnings are still earnings.

Financial institutions that receive an employee's paycheck by direct deposit do not have to determine what part of a person's earnings can be garnished.

RETURNS: Each defendant was served, according to law, as indicated below, unless not found, with a copy of both this summons and the § 8.01-512.4 form.

JUDGMENT DEBTOR

.....

ADDRESS

.....

PERSONAL SERVICE

Being unable to make personal service, a copy was delivered in the following manner

Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode of party named above after giving information of its purport. List name, age of recipient, and relation of recipient to party named above.

.....

Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above. (Other authorized recipient not found.)

Served on Secretary of the Commonwealth.

Not found _____

SERVING OFFICER

..... for _____

DATE

GARNISHEE

.....

ADDRESS

.....

PERSONAL SERVICE | FEDERAL SERVICE*

Being unable to make personal service, a copy was delivered in the following manner:

Served on registered agent of the corporation. List name and title:

.....

Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode of party named above after giving information of its purport. List name, age of recipient, and relation of recipient to party named above.

.....

Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above. (Other authorized recipient not found.)

Served on Secretary of the Commonwealth.

Served on the Clerk of the State Corporation Commission, pursuant to § 8.01-513.

Copy mailed to judgment debtor on date below after serving the garnishee unless a different date is shown below.

.....

Not found _____

SERVING OFFICER

..... for _____

DATE

Federal garnishment statutes, 5 U.S.C. § 5520a(c)(1) and 42 U.S.C. § 659 provide that the garnishee, when a federal agency, may be served either personally or be certified or registered mail, return receipt requested.

