

## Alexandria Division – Civil Garnishments

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### **Beginning Garnishment Proceedings**

Judgments are final after fourteen (14) days. Therefore, once a judgment has been entered in a civil action and fourteen days have expired, garnishment proceedings may begin.

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### **Events that Prevent Garnishments**

The following are events that prevent garnishment proceedings from beginning:

- Order staying execution of judgment is entered in the case, or
  - Supersedeas bond is entered in the case pending appeal.
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### **Fees and Forms**

A Clerk's Office fee is not required for issuing garnishment summons.

Virginia State Court forms have been modified for the USDC-EDVA. Forms may be obtained from the Internet site at [www.vaed.uscourts.gov](http://www.vaed.uscourts.gov) or from the Clerk's Office.

The forms you will need for a complete garnishment packet are as follows:

- Garnishment Summons,
  - Suggestion for Garnishment Summons, and
  - Notice of Hearing – Exemption Claim Hearing Form.
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### **Writ of Execution**

Before a garnishment can be issued, a Writ of Execution must be in effect. Writs of Execution may be issued at the same time as the garnishment summons.

Submit the following documents to the Clerk's Office:

- Three writs for issuance by the clerk,
  - US Marshal's 285 Form for Service of the Writ by the US Marshal, and
  - Written request for the writ. The request for the issuance of the writ must be in writing and include amount and date of judgment.
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## Alexandria Division – Civil Garnishments, Continued

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### Hearing Date for Garnishment

The garnishment return hearing will be heard by a U.S. Magistrate Judge and must be scheduled:

- For a Friday at 10:00 a.m. and
- For a date not less than 23 days but not more than 90 days from the date of issuance of the garnishment summons.

*Note:* If submitting a garnishment for wages, the return hearing must be scheduled for a date not less than 23 days but not more 180 days from the date of issuance of the garnishment summons.

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### Garnishment Summons Packets

The following chart, based on one garnishee and one judgment debtor, shows what attorneys should submit for the Clerk’s Office to issue garnishments:

<b>Form</b>	<b>Provide Clerk’s Office with...</b>
Garnishment Summons	Six copies: <ul style="list-style-type: none"> <li>• One for the clerk,</li> <li>• Two for the garnishee, and</li> <li>• Three for the judgment debtor (<i>Note: Judgment debtor to be served personally and by mail. Submit an envelope with postage addressed to the debtor with the forms.</i>)</li> </ul>
Suggestion for Garnishment	Original to be filed and five copies: <ul style="list-style-type: none"> <li>• Original for the file,</li> <li>• Two for the garnishee, and</li> <li>• Three for the judgment debtor.</li> </ul>
Request for Hearing – Garnishment Exemption Claim (aka Garnishment Request for Hearing)	Three copies for the judgment debtor garnishment packets.

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### Proposed Payment Order

To expedite receipt of any monies that resulted from the garnishment process, prepare a proposed payment order for presentation to the judge at the garnishment return hearing.

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