

LSNV Supplemental Court Forms & *A Civil Operations Manual for Virginia's General District Court*[®]

A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

Updated 2/16/08

[Legal Terms](#)
[Forms & Information](#)
[Virginia Judicial System](#)
[Circuit Court](#)
[Gen. Dist. Court](#)
[J & DR Court](#)
[Virginia Code](#)
[Virginia Court Rules](#)

These are some of the LSNV *Supplemental Procedural Forms*, and information we use in our law practice. For forms specific to LSNV's Practice areas, go to [LSNV Legal Forms and Information](#).

Before using these forms, always check first with the [Virginia Judicial System Website](#) where the State Forms are found.

A Civil Operations Manual for Virginia's General District Court[®]

This manual takes you, in 6 chapters, through the General District Court from an introduction to the court to creditors' remedies and debtors' rights.

Affidavit

Information

An affidavit is a written statement affirming or swearing to the truth of the facts stated. There are several different formats for this pleading. An affirmation or declaration is similar to an affidavit, but is made by an attorney.

Affidavit

[General Affidavit](#) (CIR, GDC, JDR) (LSNV) (pdf)

[General Affidavit-Court](#) (GDC) (LSNV) (pdf)

Damages to a Car

[Affidavit Regarding Damages to Motor Vehicle](#) (GDC) (LSNV) (pdf)

[Additional Information](#) for Affidavit Regarding Damages to Motor Vehicle (LSNV) (pdf)

Medical Records Affidavit

[Affidavit of Medical Records or Reports \(GDC\) \(LSNV\) \(pdf\)](#)

[Pamphlet - Presenting Medical Reports or Records in a Civil Suit in General District Court \(LSNV\) \(pdf\)](#)

B

Bill of Particulars Information

[Pamphlet Bill of Particulars & Grounds of Defense](#)

Tells the defendant fairly of the factual basis for the claim. The Bill of Particulars must set forth in brief paragraphs why the plaintiff(s) thinks the defendant(s) owes the money or property, giving a detailed breakdown of the basis for each sum or article of property claimed. The plaintiff will be generally limited to evidence outlined in the Bill of Particulars.

If the Bill of Particulars is not filed on time, the court can dismiss the case on motion of the defendant(s) at the beginning of trial.

File in the Clerk's office by the due date set by the Judge and mail a copy of the paper to the other side, or her or his attorney if there is one.

Authority

Virginia Code [§16.1-69.25:1](#). is titled "Judge shall order bill of particulars; time for motion." Despite use of the word "shall" in the title of the statute, the provision makes clear this is discretionary. The Bill of Particulars supplements (adds on) the limited information contained in the initial (first) pleading. "It shall state the facts on which the plaintiff relies, and shall be sufficient if it clearly informs the defendant or defendants of the true nature of the claim asserted." Virginia Code [§ 16.1-81](#). The General District Court Rule [7B:2](#). adds, as a penalty for failing to comply with an order to file a pleading:

The failure of either party to comply may be grounds for awarding summary judgment in favor of the adverse party. Upon trial, the judge may exclude evidence as to matters not described in any such pleading.

[Motion for Bill of Particulars on Return Date \(GDC\) \(LSNV\) \(pdf\)](#)

Motion for Bill of Particulars on Return Date (GDC) (LSNV) (Word)
Notice of Motion and Motion for Bill of Particulars (GDC) (LSNV) (Before or After Return Date) (pdf)
Notice of Motion and Motion for Bill of Particulars (GDC) (Before or After Return Date) (LSNV) (Word)
Order Granting Defendant Bill of Particulars (GDC) (LSNV) (pdf)

C,

D

Deadline, Missed [See Rehearing](#)

Default [See also Rehearing](#)

Discovery Information

There are 5 types of discovery are in General District Court. They are:

1. Bill of Particulars;
2. Grounds of Defense;
3. subpoena *duces tecum*;
4. depositions; and
5. interrogatories.

See **Bill of Particulars** and **Grounds of Defense**.

Dismiss the Law Suit [See Nonsuit](#).

E, F,

G

Government Records Request

Affidavit Regarding Governmental Record(s) (GDC) (LSNV) (pdf)

Grounds of Defense

Information

Pamphlet Bill of Particulars & Grounds of Defense

The defendant's side of the case! The **Grounds of Defense** (sometimes referred to as the Answer) states why the defendant is not liable to the plaintiff. The **Grounds of Defense** should set forth in brief one-sentence paragraphs why the defendant(s) thinks the money or property sued for is not owed. It should be a detailed **Grounds of Defense** to the **Bill of Particulars**. The defendants will be generally limited to defending on the grounds outlined in the **Grounds of Defense**. If the **Grounds of Defense** is not filed on time, the court may on motion of the plaintiff(s) at the beginning of trial, refuse to allow the Defendant to present any evidence on why the money or property is not owed or enter judgment against the Defendant without hearing any evidence. File the **Grounds of Defense** in the Clerk's office by the due date set by the Judge, and mail a copy to the plaintiff or his/her attorney if there is one.

See [Requesting the Court to Accept an Untimely Filed Grounds of Defense and Amending a Grounds of Defense](#).

[Grounds of Defense](#) (GDC) (LSNV) (pdf)

[Additional Information](#), Grounds of Defense to a Claim for Open Account, Contract, Note or Negligence

[Motion for Extension of Time](#) to Serve and File Grounds of Defense (GDC)(LSNV) (pdf)

Authority

Supreme Court Rule [7B:2](#).

Virginia Code § [8.01-28](#)

Virginia Code § [8.01-271.1](#)

Virginia Code § [8.01-280](#)

Virginia Code § [8.01-281](#)

Virginia Code § [16.1-88](#)

H,

I

Indigent See [Poor Persons](#)

J, K, L,

M

Medical Records Affidavit

[Affidavit of Medical Records or Reports \(GDC\) \(LSNV\) \(pdf\)](#)

[Pamphlet - Presenting Medical Reports or Records in a Civil Suit in General District Court \(LSNV\) \(pdf\)](#)

Motor Vehicle Damages

[Affidavit Regarding Damages to Motor Vehicle \(GDC\) \(LSNV\) \(pdf\)](#)

[Additional Information](#) for Affidavit Regarding Damages to Motor Vehicle (LSNV) (pdf)

N

Nonsuit

Nonsuit [Pamphlet](#)

More about [Nonsuit and Dismissal](#)

Forms

[Motion for Nonsuit \(GDC\) \(LSNV\) \(pdf\)](#)

[Motion for Nonsuit \(GDC\) \(LSNV\) \(Word\)](#)

O,

P

Poor Persons

Poor Person Relief (Virginia State Courts)

[Affidavit in Support of Application for Proceeding in Civil Case](#) Without Payment of Bond, Fees or Costs (Circuit, GDC & JDR) (LSNV) (pdf)

[Order](#) for Petition or Affidavit for Proceeding in Civil Case. Without Payment of Bond, Fees or Costs . (Circuit, GDC & JDR) (LSNV) (pdf)

Additional Information Requesting a Waiver of the Bond, Court Costs. and Other Fees for Poor Persons in a Civil Case

Postal Matters

Request for Change of Address or Boxholder. (LSNV) (pdf)

Zip Codes (FED)

Pro Se (not represented by an attorney)

Information

Some resources for the un-represented or pro se:

Information for Rehearing. (missed court appearance or court deadline) (LSNV) (pdf)

Small Claims Court Pamphlet (LSNV) (pdf)

Step-by-Step Process through Virginia's General District Court (LSNV) (pdf)

Q,

R

Registered Agent You want to sue a Virginia corporation, how do you information regarding the name and address of the Registered Agent?

Contact the **Office of the Clerk**, Virginia State Corporation Commission, call (804) 371-9733 or toll-free (in Virginia only), 1-866-722-2551 for information about corporations; limited liability companies; partnerships.

Rehearing

Information

What happens when you are late to court?

When you failed to come to court?

When you failed to file a Grounds of Defense on time?

What happens if you claim that you did not receive notice of a court date and a default judgment was entered by the court?

How to Request a Rehearing, Appeal a Judgment, or Both in Virginia's General District Court

Forms

Motion to Set Aside a Default Judgment Failure to Appear on the Return Date (GDC) (LSNV) (pdf)
Order Failure to Appear (GDC) (LSNV) (pdf)
Motion for Extension of Time to Serve and File Grounds of Defense (GDC) (LSNV) (pdf)
Order Failure to File a Timely Grounds of Defense (GDC) (LSNV) (pdf)
Motion to Relieve a Party from Judgment (GDC) (LSNV) (pdf)
Additional Information for Rehearing. (LSNV)

Return Date See [Rehearing, Defendant's Step-By-Step Process Through Virginia's General District Court](#), [Bill of Particulars and Grounds of Defense](#).

S

Satisfaction of Judgment

Authority

When the judgment debtor pays the judgment (in whole or in part or satisfies the judgment) it is the duty of the judgment creditor advise the court within thirty days. The entry of payment or satisfaction shall be signed by the creditor, his duly authorized attorney or other agent, and be attested by the clerk in whose office the judgment is docketed.

§ 16.1-94.01 .	When and how payment or discharge entered on judgment.
§ 8.01-454 .	Judgment, when paid, to be so noted by creditor.

Service of Process

Information

The initial service of process on natural persons informs the defendant of the claim and the Return Date (also know as the Hearing Date). The primary statute that governs how service of process is accomplished is Virginia Code [§ 8.01-296](#).

The types of initial service, *in order of priority* are:

1. personal service,

2. substituted service,
 - a. on a family member found at abode who is at least 16 years old and not a temporary sojourner or guest, or
 - b. by posting on front door of the abode (residence).

If service cannot be effected under 1. and 2. above, then by order of publication in appropriate cases under the provisions of §§ [8.01-316](#) through [8.01-320](#).

Service of initial process may be made within the Commonwealth of Virginia by 1) the sheriff within his or her bailiwick or any contiguous county or city or 2) by any person who is at least 18 years of age and who does not have an interest in the action, provided he or she files the affidavit required by Virginia Code [§ 8.01-325](#).

Service of process may be made outside the Commonwealth 1) any person authorized to serve process in the jurisdiction where the party to be served is located or 2) any person who is at least 18 years of age and who does not have an interest in the action provided he or she files the affidavit required by Virginia Code [§ 8.01-325](#).

Authority

Resident in Virginia

Statutes

§ 8.01-293.	Who may serve process.
§ 8.01-295.	Territorial limits within which sheriff may serve process in his official capacity; process appearing to be duly served.
§ 8.01-296.	Manner of serving process upon natural persons.

Nonresident Outside of Virginia

Service of Process on a foreign corporation or nonresident may be made:

- in accordance with the general provisions for service on nonresidents, or
- on the Secretary of the Commonwealth of Virginia.

If service is on the Secretary of the Commonwealth then the party, his, her or its agent, or attorney seeking service must file an affidavit with the court stating:

- the person being served is a nonresident, or
- after exercising due diligence, the party seeking service has been unable to locate the person to be served.

In either case the affidavit shall state the last known address of the person to be served. If the defendant is a nonresident owner or operator of a vehicle involved in an

accident in Virginia, process may be served on the Commissioner of the Division of Motor Vehicles.

Statute

§ 8.01-320. Personal service outside of Virginia.

Soldiers' and Sailors' Relief Act

Information

The Act generally suspends all civil actions involving the rights of service persons and no judgment may be entered except in compliance with its provisions. The primary effect of the Act is to impose limitations on default judgments taken against an individual in the U.S. Military.

Attorney Issued Subpoena

Attorney-Issued Subpoena , Checklist (LSNV)

Transmittal Sheet – Sheriff (CIR, GDC, JDR) (LSNV) (pdf)
--

Transmittal Sheet – Sheriff (CIR, GDC, JDR) (LSNV) (doc)
--

Exhibit for Subpoena <i>Duces Tecum</i> Requesting Documents (CIR, GDC, JDR) (LSNV) (pdf)

Summary Judgment

Defendant's Motion for Summary Judgment on a Claim Based Upon Plaintiff's Failure to Timely File a Bill of Particulars (GDC) (LSNV) (pdf)

Order Granting Defendant Summary Judgment for Plaintiff's Failure to File a Bill of Particulars (GDC) (LSNV) (pdf)
--

Plaintiff's Motion for Summary Judgment on a Claim for Liquidated Damages. Based Upon Defendant's Failure to Timely File a Grounds of Defense (GDC) (LSNV) (pdf)
--

Order Granting Plaintiff Summary Judgment on a Claim for Liquidated Damages. Based Upon Defendant's Failure to Timely File a Grounds of Defense (GDC) (LSNV) (pdf)
--

Plaintiff's Motion for Partial Summary Judgment on a Claim for Un-Liquidated Damages Based Upon Defendant's Failure to Timely File a Grounds of Defense (GDC) (LSNV) (pdf)
--

Order Granting Plaintiff Summary Judgment on a Claim for Un-liquidated Damages Based Upon Defendant's Failure to Timely File an (GDC) (pdf)

T

Third Party

Motion for Leave to Bring in Third-Party Defendant .(GDC) (LSNV) (pdf)
Motion for Leave to Bring in Third-Party Defendant Order .(GDC) (LSNV) (pdf)

Authority

A party may file a third-party civil warrant or motion for judgment on a person who is not a party to the action who is or may be liable for all or part of the claim being asserted against the party. Whenever a party is served with a:

- warrant,
- summons,
- motion for judgment,
- counterclaim, or
- cross-claim,

he or she may file a third-party action on a person who is or may be liable to the party for all or part of the claim being asserted. The third-party action may be filed without permission of the court within 10 days after initial service or up to the trial date, whichever is sooner.

After the above-mentioned 10-day period, the third-party claim may be asserted, but only with leave (permission) of court.

Virginia Rules

[7B:10.](#) Third-Party Practice and Consolidation of Actions.

[2:14.](#) Cross-Bill Against Codefendants or Third Parties.

Virginia Code

[8.01-281.](#) Pleading in alternative; separate trial on motion of party.

U,

V

Venue

Information

Venue designates the court in a particular county or city that may hear and determine the case. Once jurisdiction is established, the plaintiff reviews the statutes to determine the proper venue for trying the case. If improper venue is selected, it does not result in dismissal, but in a transfer of the action to a proper venue. *See* Virginia Code § 8.01-264.

[Motion to Transfer Objecting to Venue and Request of Bill of Particulars \(GDC\) \(LSNV\) \(pdf\)](#)

[Additional Information Motion to Transfer Objecting to Venue and Request for Bill of Particulars \(LSNV\)](#)

W

Waiver of Costs and Fees [See Poor Persons](#)

Warrant in Debt

Information

The Warrant in Debt "Warrant in Debt" is a multi-purpose document that includes:

- information regarding the claim;
- Hearing Date and Time Hearing Date and Time for the return date;
- case disposition;
- date the Bill of Particulars or Grounds of Defense is due, if ordered;
- return of initial service of process information;
- date *Fieri Facias (Fi. Fa.)*, interrogatories, or garnishment was issued;
- request for change of venue "change of venue" ; and
- mailing certification "mailing certification" .

See a [step-by-step process](#) that takes you through Virginia's General District Court with specific information regarding the Warrant in Debt [DC-412].

Chart

[Summons for Unlawful Detainer – Chart](#)

X, Y, Z

Legend

ADM	Administrative
CIR	Circuit Court
FED	Federal
GDC	General District Court
JDR	Juvenile and Domestic Relations District Court
LSNV	Legal Services of Northern Virginia
[Form CC-XXX] or [Form DC-XXX]	Official Virginia Form
Virginia Judicial System	VJS
Adobe Acrobat pdf format	Pdf or PDF
	Letters or numbers in blue usually signify a link.