

# Fairfax Circuit Court

## Debtor Interrogatories - Guidelines

Debtor interrogatories is a summons directed to a judgment debtor, directing him to appear before a Commissioner in Chancery or before the Court, to answer questions concerning the type, amount and location of all assets, real and personal, in which the judgment debtor has an interest.

The clerk may not issue a Writ of Fieri Facias until twenty-one (21) days after the entry of the judgment or twenty-one (21) days after the foreign judgment is docketed, unless the court through entry of an order determines for good cause shown that an earlier execution is warranted.

Debtor Interrogatories may be heard by the Court on a Friday Motions Day docket at 9:00 a.m. with a judge.

**CODE REFERENCE:**                §8.01-506

**FEES: (See Current Fee Schedule)**

<http://www.fairfaxcounty.gov/courts/circuit/pdf/CCR-A-20.pdf>

Service by Sheriff:

- Clerk's Execution Fee                                17.1-275A (44)
- Clerks Fee    17.1-275A (45)
- Sheriff's Execution Fee                                17.1-272
- Plus Sheriff Service Fees for each defendant served by the Sheriff

Service by Private Process Server:

- Clerk's Execution Fee                                17.1-275A (44)
- Clerks Fee    17.1-275A (45)

All Circuit Court filing fees and service fees are paid by cash, certified check or money order payable to the "Clerk of the Circuit Court". Personal Checks are not accepted.

The Court does accept checks from members of the Virginia State Bar provided that the checks include the attorney's assigned VA State Bar number. Checks accepted for transactions must include the pre-printed name and address of the attorney or firm. The Court does not accept checks containing only a Post Office Box.

- Separate checks are needed for each case being filed.
- If serving more than one (1) defendant at the same address, a \$12.00 fee is needed for each individual being served.

## **DOCUMENTS REQUIRED:**

**ORIGINAL plus two (2) copies of the following documents are needed for each defendant:**

- Interrogatory Summons form (Circuit Court form only).
- Friday Praecepte Notice setting for 9:00 a.m. with a judge if applicable.
- Affidavit stating that you have not proceeded against the defendant within the last six (6) months in accordance with §8.01-506.
- Request for Exemption Claim Form (DC407) (front and back of form).
- List of documents if production of documents required.

## **COMPLETION OF FORMS:**

Please ensure that all required information is completed on the Summons to Answer Interrogatories:

- Civil action case number. (Judgment from this Court – use original civil case number. Judgment from foreign court you will be assigned a civil action number which will be utilized for all post judgment collections.)
- Docketed judgment number, place of judgment, & date of judgment.
- Style of the case.
- Original amount of judgment. (Judgment amounts must match the docketed judgment amount exactly.)
- Debtor's name and address to be summoned
- Place of hearing:
  - Commissioners name and addressOR
  - Courts address
- Hearing date and time.
- Counsel/Party's signature, printed name, address and daytime telephone number.

### **Please NOTE:**

- **All information on the Debtor Interrogatory Request must match the information on the Judgment screen on the Courts Public Access Network (CPAN).**
- **The Clerk cannot issue a Writ of Execution on an Interrogatory Request if the information does not coincide.**