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FAIRFAX CIRCUIT COURT
SUGGESTION FOR SUMMONS IN GARNISHMENT

JUDGMENT NUMBER: _____ **CL-** _____ **-** _____

JUDGMENT CREDITOR: _____

Address: _____

_____

Versus

JUDGMENT DEBTOR: _____**SSN:** _____

Address: _____

_____

SUGGESTED GARNISHEE: If garnishee is defendant's employer, please furnish employer's name, and state whether it is a corporation, or one or more persons trading under a fictitious or trade name.

Name: _____

Address: _____

_____

ORIGINAL JUDGMENT STATEMENT

Date of Judgment: _____ **Date Execution Delivered:**_____

MAXIMUM PORTION OF DISPOSABLE EARNINGS SUBJECT TO GARNISHMENT

Involves an employee wage assignment garnishment.

Judgment Principal $_____
Interest _____
Judgment Costs _____
Attorney's Fees _____
Garnishment Costs _____
Credits _____
Late Fees _____
Total Balance Due $_____

Maximum Portion of Disposable Earnings Subject to Garnishment
[ ] 50% [ ] 55% [ ] 60% [ ] 65% (If not specified, then 50%)
[ ] State Taxes, 100%
If none of the above are checked, then §34-29(a) applies.

[ ] SUPPORT

The Garnishee shall rely on this amount.

Judgment Number: _____Date of Judgment: _____
Place of Judgment: _____

I request the Clerk to summon the Suggested Garnishee to answer this suggestion.

This is a garnishment against [ ] the judgment debtor's wages, salary or other compensation [ ] some other debt due or property of the judgment debtor, specifically……..…

I have reason to believe that there is a liability on the suggested garnishee because of the execution of the **"ORIGINAL JUDGMENT"** described above.

I further certify that:

[ ] (1) The summons is based upon a judgment upon which a prior summons has been issued but not fully satisfied;

OR

[ ] (2) No summons has been issued upon this judgment creditor's suggestion against the same judgment debtor within a period of eighteen months, other than a summons which was based upon a judgment upon which a prior summons has been issued but not fully satisfied;

OR

[ ] (3) The summons is based upon a judgment granted against a debtor upon a debt due or made for necessary food, rent, or shelter, public utilities including telephone service, drugs, or medical care supplied the debtor by the judgment creditor or to one of his lawful dependents, and that it was not for luxuries or nonessentials;

OR

[ ] (4) The summons is based upon a judgment for a debt due the judgment creditor to refinance a lawful loan made by an authorized lending institution;

OR

[ ] (5) The summons is based upon a judgment on an obligation incurred as an endorser or co-maker upon a lawful note;

OR

[ ] (6) The summons is based upon a judgment for a debt or debts reaffirmed after bankruptcy.

[ ] I have made a diligent good faith effort to secure the social security number of the judgment debtor and have been unable to do so.

I hereby certify that the last known address of the defendant is as shown above.

WARNING: Any judgment creditor who knowingly gives false information in a suggestion for Summons in Garnishment shall be guilty of a Class 1 misdemeanor.

_____
Date Submitted

[ ] Judgment Creditor [ ] Agent [ ] Attorney

_____
PRINT NAME OF CREDITOR/AGENT/OR ATTORNEY

_____
ATTORNEY VIRGINIA BAR #

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§ 34-29. Maximum portion of disposable earnings subject to garnishment.

(a) Except as provided in subsections (b) and (b1), the maximum part of the aggregate disposable earnings of an individual for any workweek which is subjected to garnishment may not exceed the lesser of the following amounts:
  (1) Twenty-five per cent of his disposable earnings for that week, or
  (2) The amount by which his disposable earnings for that week exceed 40 times the federal minimum hourly wage prescribed by §206 (a) (1) of Title 29 of the United States Code in effect at the time earnings are payable.

In the case of earnings for any pay period other than a week, the State Commissioner of Labor and Industry shall by regulation prescribe a multiple of the federal minimum hourly wage equivalent in effect to that set forth in this section.

(b) The restrictions of subsection (a) do not apply in the case of:
  (1) Any order for the support of any person issued by a court of competent jurisdiction or in accordance with an administrative procedure, which is established by state law, which affords substantial due process, and which is subject to judicial review;
  (2) Any order of any court of bankruptcy under Chapter XIII of the Bankruptcy Act;
  (3) Any debt due for any state or federal tax.

(b1) The maximum part of the aggregate disposable earnings of an individual for any workweek which is subject to garnishment to enforce any order for the support of any person shall not exceed:
  (1) Sixty per cent of such individual's disposable earnings for that week; or
  (2) If such individual is supporting a spouse or dependent child other than the spouse or child with respect to whose support such order was issued, 50 per cent of such individual's disposable earnings for that week.

The 50 per cent specified in subdivision (b1) (2) shall be 55 per cent and the sixty per cent specified in subdivision (b1) (1) shall be 65 per cent if and to the extent that such earnings are subject to garnishment to enforce an order for support for a period which is more than 12 weeks prior to the beginning of such workweek.

(c) No court of the Commonwealth and no state agency or officer may make, execute, or enforce any order or process in violation of this section.

The exemptions allowed herein shall be granted to any person so entitled without any further proceedings.

(d) For the purposes of this section:

  (1) The term "***earnings***" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonus, payments to an independent contractor, or otherwise, whether paid directly to the individual or deposited with another entity or person on behalf of and traceable to the individual, and includes periodic payments pursuant to a pension or retirement program,
  (2) The term "***disposable earnings***" means that part of the earnings of any individual remaining after the deduction from those earnings of any amounts required by law to be withheld, and
  (3) The term "***garnishment***" means any legal or equitable procedure through which the earnings of any individual are required to be withheld for payment of any debt.

(e) Every assignment, sale, transfer, pledge or mortgage of the wages or salary of an individual which is exempted by this section, to the extent of the exemption provided by this section, shall be void and unenforceable by any process of law.

(f) No employer may discharge any employee by reason of the fact that his earnings have been subjected to garnishment for any one indebtedness.

(g) A depository wherein earnings have been deposited on behalf of and traceable to an individual shall not be required to determine the portion of such earnings which are subject to garnishment.