



FAIRFAX COUNTY GENERAL DISTRICT COURT WRIT OF POSSESSION IN UNLAWFUL DETAINER



Once you have been awarded a judgment for possession of premises on an Unlawful Detainer you may need to file a Writ of Possession in order to have the defendant evicted from your property.

WHEN TO FILE

The Writ of Possession must be filed within one year from the date of judgment for possession. An immediate Writ of Possession may be requested in court on cases of default judgment for nonpayment of rent or a trustee's deed following foreclosure. Otherwise, the defendant has 10 calendar days from the date of judgment on an Unlawful Detainer in which to note and perfect an appeal of the case by posting any required bond with the Court. If at the end of those 10 days the defendant has not appealed the case, you may file your Writ of Possession form with the Civil Clerk's Office. If a Writ of Possession is filed more than 30 days after judgment, and the box on the form has not been checked that rent payments have not been accepted without reservation, the Court will require, at least, an affidavit that no rent has been accepted without reservation and a copy of any letters of reservation. (An affidavit is not required if the box on the form has been checked on the Writ of Possession.)

FORMS NEEDED

- An original plus 4 copies of the Writ of Possession form (Form DC-469), plus an additional copy for each additional defendant to be served.
- Check or money order in the amount of \$25.00 made payable to Clerk of Court to cover the cost of execution by the Sheriff. If there is more than one defendant, an additional \$12.00 fee should be included for each additional defendant.

NOTE: YOU MUST PROVIDE YOUR NAME AND PHONE NUMBER (or a contact person) on the Writ of Possession so the Sheriff may contact you and schedule the eviction. THE SHERIFF DOES NOT MOVE POSSESSIONS.

THE EVICTION

After you have correctly filed your Writ of Possession and have paid the correct fees, the Sheriff will serve the Writ.

Shortly after receipt of the Writ, the Sheriff will call you (or your contact person) at the telephone number you provide on the Writ to set up a date and time for the eviction. The Sheriff allows the defendant a minimum of 72 hours to vacate the premises on his own from the time the Writ of Possession is served. If the defendant does not vacate voluntarily, the eviction will proceed as scheduled. The Sheriff will accompany you to enforce the Court's order, however, the Sheriff will not move possessions. You must appear at the eviction and take this responsibility.

To cancel a Writ of Possession once it has been processed and issued by the clerk, you will need to contact the Sheriff's Office. The Fairfax Sheriff's Office may be reached at 703-246-3227.

Fairfax County General District Court, Civil Division, Room 211
4110 Chain Bridge Road, Fairfax, VA 22030 Phone: 703-246-3012
Court Information Line: 703-691-7320 TTY for hearing impaired only: 711
www.fairfaxcounty.gov/courts/gendist or www.courts.state.va.us

