

I. PURPOSE

- A. Provide guidelines for deputy sheriffs executing Fieri Facias or Levies.
- B. Provide guidelines for deputy sheriffs to instruct plaintiffs regarding their responsibilities during the execution of Fieri Facias or Levies.
- C. Provide guidelines for deputy sheriffs forcing entry under authority of a Fieri Facias.

II. POLICY

It is the policy of the Fairfax County Sheriff's Office to execute all Levies and Fieri Facias in a timely manner and in accordance with all applicable sections of the Code of Virginia.

III. DEFINITIONS

- A. Fieri Facias (fi-fa): A writ of execution in which the Sheriff is commanded to levy and make the amount of judgment from the goods and chattels of the judgment debtor.
- B. Levy: The means by which property is seized or the party in possession of the property is made aware of a claim by the judgment creditor against the property with intent to seize or sell at a later date.
- C. Indemnity Bond: Whenever a deputy may be required to seize property in the course of a legal action, he may require that the party initiating the action provide a bond sufficient to indemnify (protect) the officer (and the interest of all other parties to the action) against all costs and claims which might result from the seizure. (Virginia Code [8.01-367 - Indemnifying Bond to Officer](#))
- D. Title 34 (Poor Debtor's Exemption): Title 34 of the Code of Virginia enumerates items that are exempt from being levied. See [SOP 801 - Attachment 1](#).

IV. PROCEDURE

- A. Office Procedure for Writs of Fieri Facias.
 - 1. When a writ of execution comes into the hands of the Sheriff, she or her deputies must immediately endorse on it the year, month, day, and time of receipt.
 - a. Levies received on the same day will, where operationally feasible, be executed in order of receipt.
 - b. If more than one levy is received at the same time, they will be satisfied ratably (all share equally).
 - c. When an indemnity bond is required as a prerequisite to a sale, and some of the creditors give bond and others do not, the proceeds of the sale shall then be paid to the creditors giving bond, in the order in which their liens attach.
 - 2. The deputy sheriff will examine the writ to determine whether all information is correct, e.g., correct addresses, proper authority, and proper bonds, if necessary.
- B. Service Procedure.
 - 1. The deputy sheriff will levy on current money and bank notes, goods and

chattels, except exemptions under Title 34 of the Code of Virginia, and growing crops. Generally, the officer will levy only on personal property of the judgment debtor, except when the judgment is in favor of the Commonwealth, then real property may be levied. If a householder's assets do not exceed the exemptions allowed by Title 34 paragraph 26, the deputy will return the writ without execution or service. The return of service will note, "**All assets Title 34 exempt.**"

2. The deputy sheriff will levy on corporations the same as natural persons. Corporations are not entitled to Title 34 protection.
3. The deputy sheriff will levy enough goods and chattels to satisfy the judgment. The value of the goods levied will be based on estimated Sheriff's Sale value not on estimated retail value.
4. The deputy sheriff will not levy in an excessive or unreasonable amount. For example, an excessive levy would be a levy of 3 or 4 times the value of the property, based not on retail, but what it would sell for at a Sheriff's Sale.
5. A deputy sheriff may force entry to execute a levy, but only during daylight hours and only after giving the judgment debtor proper notice. Entry will be forced only at the request of the plaintiff and only with a locksmith employed by the plaintiff. The premises will be secured after the deputy sheriff executes his levy. All forced entries will be coordinated with a supervisor and notice will be given to the appropriate police agencies before entry is attempted.
6. In the question of ownership of levied property, the levying deputy may demand, from the plaintiff, a bond indemnifying the sheriff in the amount of the judgment or value of the property being levied.
7. The deputy will execute all levies and return the writ to the issuing court within 90 days of issuance. All efforts to execute the levy will be made as soon as possible from the time the writ is received by the Sheriff's Office.
8. All levies will be executed in the appropriate manner. Notification of bankruptcy will stop both the service and execution of the Writ.
9. Commonwealth of Virginia Employment Tax Warrants will be executed as levies, except when execution is against a third party not the defendant, e.g., a bank or employer. In these cases, the deputy will execute the Warrant by service, not levy. In all such Commonwealth cases the deputy may take a certified check from the defendant, made payable to the Commonwealth, in lieu of actual levy. At no time will a deputy sheriff act as a negotiator, arbitrator, or adviser between plaintiff, defendant, or interested third parties. He/ She will simply execute all levies in a timely and legal manner.



STACEY A. KINCAID
SHERIFF

01/01/00
DATE APPROVED
11/12/19
EFFECTIVE DATE

Revised: June 2004, August 2016, October 2019