

# CIRCUIT COURT CLERKS' DUTIES LIST 2011 EDITION



SUPREME COURT OF VIRGINIA  
OFFICE OF THE EXECUTIVE SECRETARY

## TABLE OF CONTENTS

<b>SECTION I. CLERK'S OFFICE .....</b>	<b>1</b>
A. FEES, COLLECTIONS AND COMPENSATION – GENERALLY .....	1
B. FINANCIAL REPORTS .....	1
C. HANDLING FUNDS .....	1
D. COMPENSATION - SALARY SYSTEM .....	2
E. COMPENSATION - FEE SYSTEM .....	3
F. EXCESS FUNDS .....	4
G. EQUIPMENT AND SUPPLIES .....	4
H. EMPLOYMENT MATTERS .....	4
I. LEGAL ASSISTANCE .....	5
J. FINANCIAL REPORTS (FROM CLERK) .....	5
K. MISCELLANEOUS .....	6
<b>SECTION II. COURT RECORDS .....</b>	<b>6</b>
A. PUBLIC RECORDS .....	6
B. SPECIFIC RECORDS .....	7
C. GENERAL RECORDING PROVISIONS .....	7
D. MICROPHOTOGRAPHIC OR ELECTRONIC PROCESS .....	10
E. ILLEGIBLE RECORDS .....	10
F. INDICES .....	11
G. CASE PAPERS .....	11
H. CIVIL DOCKETS .....	13
I. ORDER BOOKS .....	13
J. JUDGMENTS .....	14
K. ADOPTION .....	15
L. ANNEXATION .....	16
M. CONDEMNATION (EMINENT DOMAIN) .....	16
N. MOTOR VEHICLES .....	17
O. ABSTRACTS OF RECORDS .....	18
P. FINANCIAL RESPONSIBILITY BONDS .....	18
Q. HABITUAL OFFENDER .....	18
R. HEALING ARTS (MEDICAL, ETC.) PRACTITIONERS; ORAL AND MAXILLOFACIAL SURGEONS .....	19
S. OPTOMETRISTS .....	19
T. VETERINARIANS .....	19
U. AGRICULTURE .....	19
<b>SECTION III. COSTS, FEES AND RECORDING TAXES .....</b>	<b>20</b>
A. GENERAL .....	20
B. REAL ESTATE RECORDING FEES .....	21
C. REAL ESTATE RECORDING TAXES AND FEES .....	21
D. COURT CASES .....	23
1. General .....	23
2. Special Case Types .....	25
3. Witnesses .....	26
4. Criminal Cases .....	26
<b>SECTION IV. TAXES .....</b>	<b>29</b>
A. GENERAL PROVISIONS .....	29
B. STATE TAX COLLECTIONS .....	29
C. DEATH TAXES .....	30
D. LOCAL TAXES .....	30
E. REAL ESTATE TAXES .....	31
1. Reassessment of Real Estate Taxes .....	31

2. Changes In Real Estate Taxes.....	31
3. Real Estate Tax Records .....	31
4. Delinquent Real Estate Taxes .....	31
5. Real Estate Recording Taxes .....	32
F. COURT CASES.....	32
<b>SECTION V. GENERAL CASE PROCEDURES .....</b>	<b>32</b>
A. GENERAL PROVISIONS.....	32
B. CASE INITIATION.....	32
1. Generally .....	32
2. Civil Action .....	32
C. VENUE.....	32
D. SERVICE OF PROCESS.....	33
1. General.....	33
2. Order of Publication .....	34
3. Service of Civil Action .....	35
E. CONFESSION OF JUDGMENT.....	35
F. PRE-TRIAL MATTERS.....	36
G. WITNESSES .....	36
H. JURY .....	37
1. Jury List .....	37
2. Jury Compensation .....	38
3. Jury Commissioners.....	38
4. Grand Jury .....	38
I. JUDGMENTS.....	39
1. General.....	39
2. Satisfaction of Judgment.....	39
J. APPEALS TO SUPREME COURT/COURT OF APPEALS .....	40
K. FORTHCOMING BOND .....	40
L. EXECUTIONS .....	41
1. General.....	41
2. Debtor's Interrogatories .....	41
3. Writ of Fieri Facias .....	42
4. Third-Party Property Interests .....	42
5. Garnishments .....	42
<b>SECTION VI. EXTRAORDINARY ACTIONS .....</b>	<b>43</b>
A. HABEAS CORPUS .....	43
B. INJUNCTION.....	43
C. WRIT OF QUO WARRANTO .....	43
D. ATTORNEY DISCIPLINE .....	43
<b>SECTION VII. CRIMINAL PROCEDURE .....</b>	<b>43</b>
A. ARREST PROCESS .....	43
B. BAIL AND RECOGNIZANCE.....	44
C. SEARCH AND SEIZURE .....	45
D. PRE-TRIAL MATTERS.....	45
E. GRAND JURY .....	46
F. SENTENCES.....	46
G. FINES AND COSTS.....	47
H. FORFEITURE .....	48
I. GAME AND INLAND FISH.....	49
J. DEATH PENALTY .....	49
K. APPEALS .....	49
L. ALIEN SUSPECTS .....	50
M. RECORDS .....	50

<b>SECTION VIII. DISTRICT COURTS .....</b>	<b>51</b>
A. CIVIL CASES.....	51
B. CRIMINAL CASES .....	51
C. PERSONNEL AND JUDGES .....	51
D. MISCELLANEOUS .....	52
<b>SECTION IX. REAL ESTATE .....</b>	<b>52</b>
A. DEED BOOKS .....	52
B. DEEDS OF TRUST .....	54
C. MAPS AND PLATS .....	54
1. General.....	54
2. Map.....	55
3. Subdivisions.....	56
D. RELEASES.....	56
E. ASSIGNMENTS .....	57
F. ACKNOWLEDGMENTS .....	57
G. LIENS .....	58
1. Deeds of Trust.....	58
2. Lien on Offspring .....	58
3. Mechanic's Lien.....	59
4. Taxes.....	59
5. Uniform Commercial Code .....	60
6. Other Provisions .....	60
H. WRITINGS ADMITTED TO RECORD .....	62
I. BOUNDARY LINES.....	62
J. FEDERAL GOVERNMENT.....	62
K. MENTAL PATIENTS .....	63
L. SANITARY DISTRICTS .....	63
M. DRAINAGE PROJECTS.....	63
1. Case Initiation.....	63
2. Notices.....	63
3. Records.....	64
4. Reports.....	64
5. Drainage Tax Deeds .....	64
N. LOST DOCUMENTS.....	64
O. MISCELLANEOUS .....	65
<b>SECTION X. CORPORATIONS AND LIMITED PARTNERSHIPS .....</b>	<b>65</b>
A. ASSUMED NAME.....	65
B. GENERAL.....	66
C. DISSOLUTION .....	66
1. Voluntary.....	66
2. Involuntary.....	66
D. LIQUIDATION .....	66
<b>SECTION XI. GAME, FISH AND MARINE LAWS .....</b>	<b>66</b>
A. CRIMINAL LAW.....	66
B. LICENSES AND PERMITS.....	67
C. GAME PROTECTION FUND .....	68
<b>SECTION XII. FIDUCIARIES, RECEIVERS AND ESTATES .....</b>	<b>68</b>
A. APPOINTMENT AND QUALIFICATION OF FIDUCIARIES.....	68
1. Generally .....	68
2. Decedent's Estate.....	69
3. Guardian .....	70

4. Incompetent's Estate.....	71
5. Trustee.....	71
B. COMMISSIONER OF ACCOUNTS.....	71
C. RECEIVERS.....	72
D. ESTATE TAXES.....	73
E. FIDUCIARY RECORDS.....	73
F. FIDUCIARY ACCOUNTS.....	73
G. FIDUCIARY REPORTS.....	74
H. WILL BOOK.....	74
I. JUDICIAL SALES.....	74
J. PROBATE.....	75
K. SERVICE OF PROCESS.....	76
L. TRUSTS.....	76
M. MISCELLANEOUS.....	76
<b>SECTION XIII. BONDS AND OATHS OF OFFICE.....</b>	<b>77</b>
A. GENERAL PROVISIONS.....	77
B. ELECTIONS.....	78
C. LOCAL OFFICIALS AND EMPLOYEES.....	78
1. Oath and Qualification.....	78
2. Bonds.....	79
D. STATE OFFICIALS AND EMPLOYEES.....	79
E. CONSERVATORS OF THE PEACE.....	80
F. MOTOR VEHICLES FINANCIAL RESPONSIBILITY.....	80
G. COURT CASE BONDS.....	80
H. FORTHCOMING BONDS.....	81
I. FIDUCIARY BONDS.....	82
J. OTHERS.....	82
<b>SECTION XIV. ELECTIONS AND REFERENDA.....</b>	<b>82</b>
A. BALLOTS, POLLBOOKS, VOTING MACHINES.....	82
B. CANDIDATES.....	83
C. ELECTION CONTESTS.....	83
D. COMBINED OFFICES.....	84
E. ABC LOCAL OPTION REFERENDUM.....	84
F. BOND ELECTIONS.....	84
G. REMOVAL OF COURTHOUSE.....	85
H. CHANGE IN CORPORATE LIMITS OF TOWN.....	85
I. REFERENDUM ELECTIONS.....	85
J. OTHER TYPES OF ELECTIONS.....	85
K. MISCELLANEOUS PROVISIONS.....	86
<b>SECTION XV. MARRIAGE RECORDS.....</b>	<b>86</b>
A. MARRIAGE REGISTER.....	86
B. MARRIAGE LICENSES.....	86
<b>SECTION XVI. OTHER SUBJECTS.....</b>	<b>87</b>
A. ALCOHOLIC BEVERAGES.....	87
B. APPEALS.....	87
1. Compensation Board Decisions.....	87
2. Other Case Types.....	87
C. ATTACHMENT.....	87
D. BONDS.....	88
E. CASE INITIATION.....	88
F. CHANGE OF LOCATION OF COURTROOM.....	88
G. CITY CENSUS.....	88

H. CIVIL COMMITMENT OF SEXUALLY VIOLENT PREDATORS .....	88
I. COURT ORDERS .....	88
J. DETINUE .....	89
K. DIVORCE AND ANNULMENT .....	89
L. EVIDENCE .....	90
M. HIGHWAYS .....	91
N. ITEMS POSTED OR KEPT BY CLERK .....	91
O. JUDGES .....	92
P. JUVENILES .....	92
Q. LAW LIBRARIES .....	93
R. MEDICAL MALPRACTICE PROCEEDINGS .....	93
S. MILITARY RECORDS .....	93
T. NAME CHANGE .....	94
U. NOTARY PUBLIC .....	94
V. PRELIMINARY PROTECTIVE ORDERS §§ 16.1-253.1, 16.1-253.4, 16.1-279.1 .....	94
W. SERVICE OF PROCESS .....	94
X. SILVICULTURAL ACTIVITIES .....	95
Y. SUPPORT .....	95
Z. TERMS OF COURT .....	95
AA. TIMBER BRANDS .....	95
BB. TRADEMARKS .....	96
CC. VOLUNTEER FIRE AND RESCUE SQUADS .....	96
DD. SCHOOLS .....	96
EE. CONCEALED HANDGUN PERMITS .....	96
FF. DE-CERTIFICATION OF LAW-ENFORCEMENT OFFICERS .....	96
GG. REPORT OF CONVICTION OF SCHOOL EMPLOYEES FOR CERTAIN OFFENSES .....	97
HH. REPORT OF CONVICTION OR INJUNCTION FOR UNLAWFUL TOWING AND RECOVERY BUSINESS § 46.2-2821 .....	97
<b>INDEX OF VIRGINIA CODE SECTIONS .....</b>	<b>99</b>

**SECTION I. CLERK'S OFFICE****A. FEES, COLLECTIONS AND COMPENSATION – GENERALLY**

## ■ Fees and Fines § 16.1-69.48

Details which district court fines and fees are to be paid to the clerk of the circuit court.

**B. FINANCIAL REPORTS**

## ■ Monthly Statements § 17.1-283

Requirements of certain clerks for filing monthly statements with the Compensation Board. Statements must include date of collection and source and shall be verified by procedure agreed to by Compensation Board. The statements shall be open to the public.

## ■ Monthly Reports § 2.2-807

Clerks to report monthly (or more frequently if so requested) to Comptroller all receipts of monies for the state.

## ■ List of Allowances § 2.2-810

Clerk to certify to Supreme Court a list of allowances made during the latest term of court.

## ■ Monthly Reports § 2.2-806

Clerks receiving state money shall transfer to State Treasurer. Money less than \$5,000 may be transferred once a week. Money \$5,000 or greater to be transferred 2 times a week. Clerk shall submit a report of state money being transferred.

## ■ Penalty § 17.1-291

Provides penalties for officers failing to comply with duties imposed in Article 7 of Title 17.1.

**C. HANDLING FUNDS**

## ■ Deposit of Money § 17.1-271

Clerk shall within a reasonable amount of time deposit any money collected in a bank selected by clerk to the credit of an official account. Provides for penalties for violation.

## ■ When Owner of Money Under Court Control is Unknown § 8.01-602

Distributable or payable funds unclaimed for one (1) year to be reported and paid to State Treasurer. Clerk and/or general receiver shall identify money and petition court to remit to State Treasurer.

## ■ Blanket Bond for Moneys under Court Control § 2.2-1841

Clerks and general receivers to be covered by blanket surety bond for faithful discharge of duty.

## ■ Liability of Receivers § 8.01-587

General receiver to be liable for any loss of income from certain specified failures; receiver to be charged with interest from date of court order.

- Bonds § 8.01-588

General receiver to give bond with surety sufficient to cover probable amount under his control; applicable to clerk if appointed general receiver.

- Obtaining Bonds § 8.01-588.1

General receiver to obtain bond from Division of Risk Management and report to Division of Risk Management the amount under his control for the current year and the amount anticipated to be under his control in the following year.

- Money under Court Control § 8.01-600

Outlines clerk's duties when court orders money to be held by clerk; clerk to invest money in institutions insured by the FDIC or other federal agency so that insurance coverage is provided to the extent practicable; clerk to be liable for loss of income under certain circumstances; clerk to keep an account of all moneys and report annually to the court; section not applicable to money deposited in lieu of surety or bond or money deposited prior to final disposition of case.

- Unknown Owner of Money Under Court Control §§ 8.01-602, 55-210.9:2

Clerk to identify money which has remained payable or distributable for one year and to petition court to remit same to State Treasurer.

- Blanket Surety Bond §§ 2.2-1840; 2.2-1841

Clerks to be excluded from section with respect to public deposit moneys held pursuant to §§ 8.01-582 and 8.01-600 insofar as coverage is provided under the faithful performance bond.

- State Funds § 17.1-286

Clerks to forward all state funds collected without any deductions to state treasury.

- State Funds § 2.2-1802

Clerks to deposit state funds to state treasury, (to send copy of deposit certificate to Comptroller) retaining deposit receipt.

- State Funds § 2.2-806

Clerks to transfer state funds directly to state treasury once or twice weekly upon receipt (depending on amount), and to report same.

#### D. COMPENSATION - SALARY SYSTEM

- Compensation § 8.01-589

Sets out bases for calculating compensation for general receivers and states when no compensation is allowed.

- Salaries § 17.1-287

Salaries of clerks of circuit courts are as prescribed in the general appropriation act.



- Salary Contracts § 17.1-290

Permits localities to enter into contract with clerk for payment of salary and office expenses with locality to keep fees.

- Local Supplements § 15.2-1605.1

Permits localities to supplement salaries of the clerks of circuit courts or the deputies or employees of clerks of the circuit courts over state salaries.

- Maximum Total Compensation for Clerk of Court in Certain Counties § 15.2-1635.1

In Arlington, Fairfax, Fauquier, Loudoun and Rappahannock Counties, clerk may be paid no more than \$5,000 by local supplement for each of the two district courts served.

- Sharing Costs and Salaries § 15.2-3830

City and county to share costs of clerk's office and salary of circuit court clerk, apportioned by population.

- Clerk's Salaries § 17.1-288

Sets salaries for clerks in the City of Richmond and Newport News.

- Payment of Salaries § 15.2-1636.13

Salaries to be paid in equal monthly installments.

- Appeals from Compensation Board § 15.2-1636.10

Provides circuit court clerks the right to appeal Compensation Board decisions. Such appeals shall be taken and heard as provided in § 15.2-1636.9.

- Appeals from Compensation Board § 15.2-1636.9

Officer whose budget is affected by a decision may appeal to the circuit court within 45 days of the decision; court's decision to be certified by the clerk to the officer affected and to the Board.

- Adjustment of Questions of Division of Compensation, Expenses, etc. § 15.2-1636.19

Clerk may apply to Compensation Board for increase to allowance made to clerk for deputies and assistants, office expenses and premiums on bonds.

#### E. COMPENSATION - FEE SYSTEM

- Clerk's Commissions § 17.1-289

Clerk entitled to five percent commission on local funds collected on which he is entitled to no other commission. The commission shall be deducted before collections are paid to the locality.

## F. EXCESS FUNDS

### ■ How Excess Determined § 17.1-284

Requires clerk to include all fees, allowances, commissions, etc. in calculating excess to be paid to state treasury.

### ■ Excess of Annual Allowance § 17.1-285

Establishes the entitlement of excess annual allowance. The Compensation Board shall determine on an annual basis by June 30 of each year the methods by which excess fees shall be disbursed.

## G. EQUIPMENT AND SUPPLIES

### ■ Supplies and Equipment § 15.2-1656

Cities and counties to supply to clerks books and stationery, furniture for record storage, and office machinery and equipment as clerk deems necessary for the proper conduct of the clerk's office.

### ■ Virginia Reports § 17.1-319(A)(4)

Circuit court clerks to receive a copy of each volume of Virginia Reports as they are issued.

### ■ Expenses § 15.2-1636.18

Clerks to report estimate of expenses to Compensation Board on or before the first day of November in each year.

### ■ Request for Expense Funds § 15.2-1636.7

Clerks serving two (2) or more local governments must submit requests for expense funds by February 1 with the Compensation Board and with the governing body of the county or city. The chairman of the Board may submit a written questionnaire concerning the affairs of the clerk's office, which shall be answered and returned to the chairman within five (5) days.

### ■ Appeals from Compensation Board § 15.2-1636.9

Officer whose budget is affected by a decision may appeal to the circuit court within 45 days of the decision; court's decision to be certified by the clerk to the officer affected and to the Board.

### ■ Appeals from Compensation Board § 15.2-1636.10

Provides for appeals of Compensation Board decisions by circuit court clerks.

## H. EMPLOYMENT MATTERS

### ■ Incompatible Offices Art. IV Sec. 4

Clerk may not also be a Delegate or Senator in General Assembly.

### ■ Vacation § 15.2-1605

Defines vacation rights of clerks of circuit court plus sick leave and compensatory time rights. Explains how costs are to be divided.

- **Group Insurance § 15.2-1517**

Requires locality to provide same group insurance coverage on the same terms to constitutional officers and their employees as locality provides to its employees unless a state program covers the constitutional officer and his employees.
- **Appointment and employment § 15.2-1604**

Sets out lawful and unlawful employment practices.
- **Residence § 15.2-1525**

Specifies which officers must live in the jurisdiction where they work, with certain exemptions (such as for deputies of constitutional officers).
- **Leaves of Absence for Military Duty § 44-93**

Employees are entitled to leaves of absence for military duty without loss of seniority, accrued leave, etc. Employees not to receive paid leave for more than fifteen workdays. Defines “workday” for employees who do not work regular schedule.
- **Competency to testify § 19.2-271**

Outlines when clerk is not competent to testify; when competent to testify.
- **Disclosure § 2.2-3116**

Clerks to file Statements of Economic Interests; candidates for clerk to file statements under § 24.2-502.
- **Tax Collection from Third Parties § 58.1-3952**

Tax collector may apply to third party holding property of debtor for payment. If third party does not remit full payment, collector may procure summons for third party’s appearance in court. Third party may include officer or supervisor who is head of agency if debtor is an employee of the Commonwealth; such officer or supervisor shall certify the amount due to issuer of the application; certificate to be evidence of all facts stated therein unless the officer or supervisor is deposed. Depositions to be taken in supervisor office and returned to clerk.

#### I. LEGAL ASSISTANCE

- **Attorney General § 2.2-505**

Clerk may ask for and receive written advisory opinions from the Attorney General.
- **Actions against Clerk, Court-Appointed Counsel § 15.2-1606**

Circuit Court may, on motion for good cause, appoint private counsel to defend clerk, deputy or assistant.

#### J. FINANCIAL REPORTS (from clerk)

See also COMPENSATION - SALARY SYSTEM and COMPENSATION - FEE SYSTEM.

- Monthly Reports § 17.1-221

Requires clerks to file certain monthly reports with the Supreme Court within fifteen days from the end of each calendar month.

- Auditor's Reports § 15.2-2511

Statement of shortages discovered by Auditor of Public Accounts shall be filed in circuit court clerk's office.

- State and Local Government Conflict of Interests Act, § 2.2-3100

Clerk must comply with Act, including the filing of a Financial Disclosure Form.

#### K. MISCELLANEOUS

- Location of Clerk's Office § 17.1-206

Providing for location of clerk's office and exceptions.

- Clerk's Office Hours § 17.1-207

Sets forth the days on which the clerk's office must be open, in what situations the clerk is authorized to close the clerk's office and under what circumstances the office may be opened on Saturdays.

- Clerk as Elected Officers § 15.2-1600

Required elected officers include a clerk, who shall be clerk of the court in the office of which deeds are recorded. Clerk's duties are prescribed by law.

- Suspected Fraudulent Transactions § 30-138

Requires clerk to report any information of circumstances suggesting a reasonable probability that a fraudulent transaction has occurred to Auditor of Public Accounts and Department of State Police and to cooperate with investigation.

- Disclosure of certain account information § 2.2-3808.1

Makes it unlawful for any court clerk to disclose the social security number or other identification numbers appearing on driver's licenses or information on credit cards, debit cards, bank accounts, or other electronic billing and payment systems supplied to clerk for the purpose of paying fees, fines taxes or other charges. Certain exceptions apply.

- Distribution of State Publications § 30-34.4:1, 30-34.4:5

Clerk to receive copy of the acts and joint resolutions of the General Assembly only upon request.

## SECTION II. COURT RECORDS

### A. PUBLIC RECORDS

- Virginia Freedom of Information Act § 2.2-3704

Sets forth procedures for making public records available to citizens and criteria for denying access to records.

**B. SPECIFIC RECORDS**

See also other subject-related topics.

**C. GENERAL RECORDING PROVISIONS****■ Recording Documents § 17.1-223**

Sets forth procedures as to how documents are to be recorded and indexed; sets out information that may be required in such documents and the format of such information. A clerk has the authority to reject any writing presented for filing or recordation if statutory requirements for such writing are not met. Provides that the clerk return a writing, once recorded, to the grantee unless otherwise indicated clearly, including an appropriate current address to which to return the writing.

**■ Record Verification § 17.1-247**

Clerk shall verify accuracy of records within thirty days from making record and shall note record verification date on record margin.

**■ Correcting Errors § 8.01-428**

Court may correct clerical errors in records at any time on its own initiative.

**■ Custody of Records § 17.1-242**

Clerk has custody of all records in clerk's office as well as records stored in electronic format whether stored on the premises or elsewhere.

**■ Removal of Records § 17.1-210**

Clerk not to remove or permit removal of papers except as provided by this statute.

**■ Record Books and Microfilm Standards § 17.1-239**

Defines requirements for quality of record books, microfilm, microfiche, and microphotographic process.

**■ Record Books Acquisition § 17.1-241**

Gives procedure for clerk to obtain record books.

**■ Preservation of Papers § 17.1-209**

Clerk to preserve all papers lawfully returned to or filed in the clerk's office even if reproduced electronically. § 17-213 sets forth requirements for retention of papers in ended cases.

**■ Financial Records § 17.1-211**

Requires clerk to keep receipts and checks for specified periods.

**■ Copies of Records § 17.1-208**

Clerk to furnish copies of records and papers open to public inspection, when requested and may charge a fee.

- Fees for Copies of Records § 17.1-275(A)(8)

Clerk to charge a fee of fifty cents per page or image, if an electronic record, for copies. The locality shall be reimbursed for the actual cost of making the copies and the remainder should be sent to the Commonwealth.

- Posting Certain Information on the Internet, prohibitions § 17.1-293

Clerk is prohibited from disclosing the social security number or other identification numbers or financial information supplied to a court clerk, unless disclosure is otherwise required, and prohibited from posting of documents containing certain information on court-controlled websites. Clerk is required to post a notice that includes a list of documents routinely posted on its website. Access to any original document as provided by law is not limited by these prohibitions on the clerk disclosing or posting certain information. Provides that the clerk is immune from suit arising from acts or omissions relating to providing remote access unless the clerk was grossly negligent or engaged in willful misconduct.

- Computer Access to Records by Remote Access Users §§ 17.1-294, 17.1-276, 17.1-225

Clerk may charge a fee established by the clerk to cover operational expenses of such electronic access, including but not limited to computer support, maintenance, enhancements, upgrades, replacements, and consulting services. A flat fee may be assessed for each subscriber, as defined in § 17.1-295, in an amount not to exceed \$50.00 per month. The fee shall be paid to the clerk's office and deposited into a special non-reverting local fund to cover the operational expenses of such electronic access, as defined herein. The clerk shall enter into an agreement with each person whom the clerk authorizes to have remote access in accordance with the security standards established by the Virginia Information Technologies Agency.

- Remote Access to Land Records § 17.1-294

Clerks must comply with provisions of this section governing the provision of secure remote access to land records. A clerk who provides such access to subscribers may charge a fee pursuant to § 17.1-276 in an amount not to exceed \$50.00 per month. § 17.1-276 describes how fees are to be collected and deposited.

- Information From Local Agencies

The governing body of any locality may give the clerk of its circuit court information from local agencies that the clerk may provide to remote access users.

- Nonconfidential Court Records § 17.1-225

Clerk may provide remote access to all non-confidential court records and is responsible for implementing proper security measures to prevent remote access users from accessing confidential data or modifying or destroying records.

- Electronic Filing § 17.1-258.2 et seq.; § 59.1-479 et seq.

Authorizes the establishment of a system for electronic filing or recordation of documents pursuant to Uniform Electronic Transactions Act, § 59.1-479 et seq.

- Deed Books §§ 17.1-229, 43-4.1

Describes what shall be recorded in deed books. See also **REAL ESTATE**.

■ Technology Trust Fund Fee § 17.1-279

Sets forth a fee to be assessed in each civil action, on every instrument recorded in the deed books and on each judgment to be docketed in the judgment lien docket book. Clerk shall submit written certification the Compensation Board that proposed technology improvements will provide secure remote access to land records on or before July 1, 2008. Clerk shall also certify compliance with secure remote access standards.

■ Assessment Books § 17.1-243

Requires binding of assessment books.

■ Bond Book § 17.1-230

Identifies which bonds the clerk shall record in bond book.

■ Recordation Certificate § 55-137.1

Successor clerk can sign recordation certificate left unsigned by prior clerk under certain circumstances. Establishes procedure for verifying prior unsigned entries.

■ Priority of Writings § 55-101

Establishes which of two writings filed on the same day at the same time has priority.

■ Department of Records § 15.2-838

In urban county government, Department of Records is controlled by clerk of circuit court. Clerk may also be designated by the board of supervisors to serve as clerk of the "county" court and clerk of board of supervisors.

■ Certificates of Commencement of Bankruptcy Case § 55-142.01

Clerk to record and index certificates of commencement of bankruptcy case in names of trustee and debtor. Fee to be assessed as prescribed in § 17.1-275(A)(2).

■ Management of Public Records § 42.1-85

Clerk to ensure that public records are preserved, maintained and accessible throughout their lifecycle, including converting and migrating electronic records, and ensure that an electronic record is an accurate copy of the original record.

■ Preservation of Archival Records § 42.1-87

Clerk to assure proper preservation and accessibility of archival public records.

■ Auditing of Records Management Practices § 42.1-90.1

Clerk to cooperate with Library of Virginia audit of clerk's records management practices, including providing any requested records or assistance.

**D. MICROPHOTOGRAPHIC OR ELECTRONIC PROCESS****■ Recording by microphotographic or electronic process § 17.1-240**

Permits recording of records otherwise recorded in books by microphotographic process, digital reproduction or any other micrographic process which stores images of documents in reduced size or in electronic format.

**■ Standards § 17.1-239**

Requires all microfilming to be done according to standards set pursuant to § 42.1-82 of the Virginia Public Records Act.

**■ Indices § 17.1-249**

Indices may be maintained on computer, word processor, microfilm, microfiche or other micrographic medium; clerk to index names of all parties to certain documents daily.

**■ Plats and Maps § 17.1-236**

Provides specific procedures and standards for recording plats and maps in courts using procedural microfilming.

**■ Subsequent Notations to Judgment Lien Book – Microfilm or Digital Records § 8.01-446.1**

Provides form for recording and indexing certificate of post-judgment actions, such as assignments, releases, etc.

**■ Releases and Liens § 17.1-228**

Sets forth procedures on how certain releases and liens are to be recorded where records are on microfilm or digitally reproduced. See also § 8.01-446.1.

**■ Certificates of Satisfaction § 55-66.4:1**

Marginal notation on deed of trust of reference of full and partial certificates of satisfaction does not apply to procedural microfilm recording and microfilmed records. See also § 8.01-446.1.

**■ Inactive Records § 15.2-1412**

Clerk may microfilm records not being used currently if so directed by the county government and approved by circuit court judge - such records are not to be destroyed but are to be stored.

**■ Official Certificates and Records in Digital Form § 17.1-258.3:2**

Clerk may provide official certificates and certified records in digital form and may charge fee as specified.

**E. ILLEGIBLE RECORDS****■ Making Legible Copies § 17.1-224**

Clerk may make a copy of illegible document, make a charge for the copy, and must keep the original illegible document.



- Comparing Records Copied due to Illegibility § 17.1-212

When judge of circuit court or if so designated, the clerk determines that certain records need to be copied because of wear or illegibility, clerk shall examine and compare originals with copies; if copies are true copies, he shall so certify, keeping the originals but putting copies in place of originals.

- Re-recording § 8.01-393

Describes procedure for clerk to replace lost, destroyed or illegible records.

- Books or Records to be Bound, Rebound, Transcribed, etc. §§ 17.1-244 to 17.1-246

Clerk may have any books or records bound, rebound, transcribed, microfilmed or digitally reproduced. The cost shall be paid by the county or city.

#### F. INDICES

- Requirements § 17.1-248

Clerk shall make index to each book except for those having a general index (like deeds).

- General indices § 17.1-249

Sets forth which books shall have general indices, what goes in such indices, and that the Clerk shall keep a daily or general index of documents admitted to record. Permits indices to be kept on computer or micrographic process. § 17.1-227.1 permits the clerk to index an instrument by information contained in the cover sheet. The clerk shall comply with the provisions of § 17.1-223.

- Daily Index § 55-96

Clerk to keep daily index of deeds, contracts, etc.

- Indexing Systems § 17.1-253(A)

Circuit judge to appoint committee to study methods of indexing to court records if need for change is brought to judge's attention.

- New Index § 17.1-253(C)

Sets forth guidelines for when clerk is to use new indexing system.

- Correcting Indices § 17.1-250

Clerk to note correction of indexing error by stating date and nature of change in the margin with clerk's name or initials, or by comparable means.

#### G. CASE PAPERS

See also DISTRICT COURTS.

- Filing Suit § 8.01-290

Clerk to obtain from plaintiff the defendant's address and other information at time suit is filed.

- Electronic Filing § 17.1-258.2 et seq.

Sets forth the procedures by which circuit court clerks may accept electronic filings in civil or criminal actions. The procedures for accepting electronic filing of land records are set forth in § 17.1-258.3:1. An “electronic filing of documents” is the filing or recordation with a circuit court clerk of written information as defined in § 1-13.32, for the purpose of creating an “electronic record” as defined in subdivision 7 of § 59.1-480.

- Pleadings § 8.01-280

Pleadings may be sworn to before clerk.

- Disposal of Papers § 17.1-213

Provides optional procedure for disposal of papers in ended cases after microfilming or conversion to electronic format; provides for preservation of case files for cases ended prior to 1913.

- Withdrawal of Appeals to Circuit Court § 16.1-133

Clerk to collect fines and costs where appeal is withdrawn more than ten days after conviction. Clerk to retain all papers where appeal is withdrawn.

- Suit Papers, Commissioners in Chancery § 8.01-616, Rule 3:23

Clerk shall deliver suit papers to commissioner in chancery if requested without fee and without copying papers (unless so specially ordered).

- Additional Parties § 8.01-7

Court may direct clerk to issue additional process if new parties need to be added to a suit.

- Clerk to make out Criminal Docket § 19.2-240

Clerk to docket criminal cases by type; traffic infractions to be docketed with misdemeanor cases; cases appealed or transferred from juvenile and domestic relations district court not placed on docket subject to certain exceptions.

- Documents transmitted by Facsimile § 19.2-3.1

Where personal appearance is made by two-way audio and video communication pursuant to § 19.2-3.1, any documents may be transmitted by facsimile; all signatures thereon treated as original.

- Sequestration of Record § 17.1-513.1

Clerk to seal and withhold from public inspection certain documents.

- Medical Documents Pertaining to Detention Proceedings §§ 37.2-814, 37.2-819; Executive Order 50 Effective 4/30/07

Medical records and related documents pertaining to involuntary detention or admission to be kept confidential except as otherwise provided. Clerk to certify and forward a copy of any order of involuntary inpatient and outpatient admissions to the Central Criminal Records Exchange.

## H. CIVIL DOCKETS

### ■ Current Dockets § 8.01-331

Specifies form, media and content of current docket (separate records not required). Juvenile and domestic appeals docketed as provided by § 8.01-331 and § 16.1-302.

### ■ Technology Trust Fund Fee § 17.1-279

Sets forth a fee to be assessed in each civil action court-based technology. Compensation Board policies on allocation of funds require clerk to submit written certification that proposed technology improvements will provide secure remote access to land records on or before July 1, 2008. If a clerk provides secure remote access to land records on or before July 1, 2008, then that clerk may apply to the Compensation Board for an allocation from Technology Trust Fund for automation and technology improvements in certain enumerated areas.

### ■ Removal of Case from Docket § 8.01-335

If court seeks to strike case from docket after inactivity of more than two (2) years, clerk shall notify parties of interest, if known, or counsel of record of intent to do so at least 15 days before the entry of such order.

If court seeks to strike case from docket after three (3) years (possible without notice to the parties), clerk shall provide parties with copy of the final order.

If court seeks to strike an appeal from general district court after inactivity of more than one (1) year, clerk shall notify parties in interest or counsel of record at least 15 days before the entry of such order. Appeal bond to be forfeited under certain circumstances.

If court seeks to strike where process has not been served within one (1) year, clerk to notify the plaintiff or his counsel at least 30 days before the entry of an order.

## I. ORDER BOOKS

### ■ Lost or Illegible § 8.01-392

Clerk may cause re-entries to be made of destroyed or illegible entries in court order book.

### ■ Types § 17.1-124

Requires clerk to keep order books and to ensure that these order books have been microfilmed or converted to an electronic format, and directs what matters are to be entered in the order books. Requires clerk to provide the master reel of any such microfilm for storage in the Library of Virginia, and to provide for the secured, off-site backup of any electronic copies of records.

### ■ How Orders to be Recorded and Signed § 17.1-123

Clerk to record orders in order book. Provides requirements for authentication of orders.

### ■ Trust Fund Order Book § 17.1-125

Directs clerk to keep a trust fund order book; outlines recording provisions.

## J. JUDGMENTS

### ■ Judgment Docket § 8.01-446

Directs clerk to keep a judgment docket in a book or electronic format and to record all judgments of his own court as well as abstracts of judgments of other courts. Clerk shall refuse to record an illegible abstract.

### ■ Judgment Docket Contents §§ 8.01-449; 17.1-240

Details procedural requirements for docketing judgments. Permits docket to be kept in a book or in any other media permitted by § 17.1-240 which includes any microphotographic or electronic process. Beginning July 1, 2010, any judgment made available to subscribers via secure remote access shall contain only the last four digits of the social security number of any party. The clerk has the authority to reject any judgment that does not comply with § 8.01-449.

### ■ Confession of Judgment § 8.01-438

Details procedure upon confession of judgment by attorney-in-fact; clerk to cause copy of order to be served on judgment debtors within ten (10) days of entry; failure to serve order within 60 days renders judgment void.

### ■ Payment or Discharge of Judgment § 8.01-453

Clerk to enter payment or discharge information on docketed judgment upon issuance of certificate of clerk of the court in which judgment was rendered or upon proffer of written directions from creditor or his attorney.

### ■ Payment of Judgment § 8.01-454

Clerk to enter payment or satisfaction of judgment on the judgment docket or execution book. Entry to be attested by clerk.

### ■ Destruction of Writ of Fieri Facias § 8.01-484

Clerk to destroy writ with notation that money cannot be obtained which is returned to his office after two years from date of return.

### ■ Filing of Foreign Judgments § 8.01-465.2

A copy of any authenticated foreign judgment may be filed with the clerk; clerk to treat such foreign judgment as a domestic judgment.

### ■ Enforceability of Foreign Country Money Judgments § 8.01-465.9

Foreign country money judgments meeting certain requirements enforceable as judgments of sister states.

### ■ Judgments in Foreign Money Claims § 8.01-465.20

Judgment in foreign money to be docketed and indexed in same manner as other judgments.

- Notice § 8.01-465.3

Creditor or lawyer shall file affidavit with clerk setting forth debtor's name and last known address; clerk to mail notice of filing to judgment debtor with required information and make a note of mailing in the docket.

- Judgment Books § 17.1-232

Establishes what shall be recorded in what is to be known as the judgment docket.

- Index § 8.01-450

Establishes how judgments are to be indexed; clerk may maintain index in microphotographic or electronic format.

#### K. ADOPTION

- Records Requirements § 63.2-1245

Clerks shall maintain separate order books, files and indices in adoption cases, which shall be closed to the general public. Clerk to maintain records in original form or microfilm. Must comply with requirements for storage in microfilm format.

- Adoption Petition §§ 63.2-1228; 63.2-1238

In those cases where an investigation and report is required, the clerk shall forward copy of adoption petition to Commissioner of Social Services or local director of Social Services or licensed child-placing agency for preliminary investigation and report. No investigation and report is necessary in parental placement adoptions where consent has been properly executed.

- Interlocutory Order § 63.2-1209

Clerk shall send interlocutory order (attested copy) to the Commissioner of Social Services and the local director of Social Services or the licensed or duly-authorized child-placing agency that prepared the home study or report.

- Interlocutory Order Revocation § 63.2-1211

Copy of order revoking interlocutory adoption order shall be sent to the Commissioner of Social Services and the child-placing agency that placed the child.

- Reports § 63.2-1246

Upon entry of final order, clerk to forward all reports made in connection with an adoption case to the Commissioner of Social Services.

- Fees for Services § 63.2-1248

Clerk to receive receipt for fees paid to appropriate department of social services for adoption-related services prior to acceptance of parental consent or entry of any final order.

- Final Order § 63.2-1213

Clerk to send copy of final order of adoption to Commissioner of Social Services and either the child placing agency (if placed by agency) or the local director of Social Services (if not placed by agency).

- Vital Statistics § 32.1-262

Clerk shall provide certain documents and information to State Registrar of Vital Statistics.

L. ANNEXATION

- Petition for Annexation Immunity § 15.2-3301

Clerk receiving petition for immunity from annexation shall give notice of its receipt to certain other circuit courts.

- Notice of Determination of Annexation Immunity § 15.2-3303

Clerk to give notice of court's determination of annexation immunity to certain other courts.

- Service of Process § 15.2-3204

In annexation proceeding, return of service to be made to clerk of circuit court for county in which annexed land lies. (See §§ 15.2-3202 and 15.2-3203.)

- Copies of Orders § 15.2-3223

Clerk of court from which order of annexation is issued to send certified copies of order and proceedings to show authorization of transfer to clerks of circuit courts of jurisdictions affected by order.

M. CONDEMNATION (EMINENT DOMAIN)

- Quick-Take Condemnation § 15.2-1904

Permits locality to pay amount deemed to be fair value to clerk and to take possession before condemnation complete.

- Conditions Upon Entry § 25.1-224

Court may require petitioner to give bond, with surety, in clerk's office. Funds deposited into court after entry onto land are to be deposited in interest-bearing account.

- Distribution of Condemnation Funds § 33.1-124

Interest on funds deposited with the court is payable to persons entitled to such funds. If funds are represented by certificate of deposit, clerk to send copy of order to Commonwealth Transportation Commissioner.

- Certified Copies § 25.1-247

Clerk shall make certified copies of record required by § 25.1-247 and record same in deed book. The fees for this recording shall be the same as for a deed, and shall be paid by the petitioner.

- Signing Notice of Publication § 25.1-211

Provides form for notice of publication to be signed by clerk or deputy clerk.

- Mailing Notice of Publications § 25.1-210

Clerk shall mail a copy of the notice of publication to the landowner whose address is known but cannot be served.

- Recording of Certificates § 25.1-307

Clerk shall record certificates of deposit and certificates of take in the deed book.

- Proceedings for Distribution of Funds § 25.1-310

Clerk shall send a certified copy of the order to distribute funds to an authorized condemner, if such funds are not then on deposit with the court.

- Revision of Certificates § 25.1-312

Clerk shall record the order requiring a revision of cancellation of a certificate along with any revised certificate in the deed book.

- Final Orders § 25.1-314

Clerk shall record the final order confirming an award of compensation to the owner in the deed book.

- Pre-trial Withdrawal of Money § 25.1-243

Clerk to approve surety on bond when bond for withdrawal required by court.

- Coal-bearing Lands § 45.1-161.320

Virginia Fuel Commission to file petition of seizure and deposit amount believed to be just compensation before seizing coal-bearing lands.

- Mandatory Dispute Resolution in Condemnation Cases § 25.1-205.1

The court shall refer the parties in a condemnation case to a dispute resolution orientation and set a date for the parties to return to court in accordance with its regular docket and procedure.

- Selection of Condemnation Jury § 25.1-229

Five persons from a panel of not fewer than 13 jurors constitute a condemnation jury, which determines compensation for property taken or damaged without just compensation. The condemnation jury list is prepared by the jury commissioner, who must include a notation indicating those persons who are freeholders. Requires delivery of the list to the clerk for safekeeping. Chapter 11 of the Code of Virginia (§ 8.01-336 *et seq.*), which establishes procedures for trial by jury, including the preparation of jury lists, generally applies to condemnation juries. See Section V-H of this manual for specific clerks' duties in regards to juries.

## N. MOTOR VEHICLES

- Case Records § 46.2-382

Lists types of motor vehicle related, including boating safety, cases in which clerk shall keep full record.

- Incompetency Order § 46.2-400

Clerk shall notify Division of Motor Vehicles of adjudication of incompetency because of mental illness, mental deficiency, epilepsy, alcoholism or drug addiction.

- Reckless Driving § 46.2-392

On conviction for reckless driving, clerk or court shall send license with abstract of conviction if license suspended.

- Driving While Intoxicated § 18.2-273

Clerk to forward certain information to Division of Motor Vehicles regarding convictions for driving while intoxicated.

O. ABSTRACTS OF RECORDS

- Reporting to the Division of Motor Vehicles §§ 46.2-383; 46.2-208

Clerk to forward abstracts of record in certain motor vehicle, including boating safety, cases to the Division of Motor Vehicles (within 18 days for convictions, 30 days for others as requested).

- Overweight-Trucks § 46.2-1133(7)

Clerks to send abstracts of conviction to Division of Motor Vehicles.

- Traffic Records, Certification § 46.2-386

Clerk to certify abstracts of records sent to Division of Motor Vehicles to be true abstracts. Abstracts shall include specific information.

P. FINANCIAL RESPONSIBILITY BONDS

- Requisites § 46.2-447

Bonds for proof of financial responsibility are liens on real estate of surety and are to be recorded in the office of the circuit court clerk of the jurisdiction where property located.

- Notice of Cancellation § 46.2-448

Clerk to record notice of cancellation of financial responsibility bond in deed book. Clerk shall note recordation information on notice and return it to DMV Commissioner.

- Cancellation § 46.2-449

Clerk may record certificate of cancellation of financial responsibility bond.

Q. HABITUAL OFFENDER

(Provisions for finding a person to be an habitual offender have been repealed; however, the court will still receive petitions for restoration) § 46.2-358 through -361



---

**R. HEALING ARTS (MEDICAL, ETC.) PRACTITIONERS; ORAL AND MAXILLOFACIAL SURGEONS**

- Conviction or incapacity of Practitioner §§ 54.1-2409, 54.1-2917

Upon felony or mental incapacity judgment, clerk shall promptly report the same to Department of Health Professions or Board of Medicine.

- Convictions §§ 54.1-2909; 54.1-2700 through 54.1-2709.4

Convictions of healing arts practitioners of any misdemeanor involving a controlled substance, marijuana or substance abuse or involving an act of moral turpitude or a felony are to be reported by the clerk to the Virginia State Board of Medicine.

Convictions of any oral or maxillofacial surgeon for any misdemeanor involving a controlled substance, marijuana or substance abuse or involving an act of moral turpitude or a felony, are to be reported by the clerk to the Board of Dentistry.

**S. OPTOMETRISTS**

- Violations by Optometrists § 54.1-3206

Clerk to report to Virginia Board of Optometry all convictions under Title 54.1, Chapter 32, and injunctions for unlawfully practicing optometry.

**T. VETERINARIANS**

- Veterinary Medicine § 54.1-3810

Clerk to report convictions under Title 54.1, Chapter 38, and injunctions against unlawful practice to Board of Veterinary Medicine.

**U. AGRICULTURE**

- Corn Assessment Referendum § 3.2-1406

Clerk will post notices of the corn assessment referendum and certify the posting to the Commissioner of Agriculture and Consumer Services.

- Ice Cream § 3.2-5216

Commonwealth's Attorney to file information for condemnation of adulterated, misbranded, etc., ice cream, etc. in clerk's office of circuit court in jurisdiction where products detained. The clerk shall issue warrant to sheriff to seize goods.

- Meat and Poultry Seizure Warrants § 3.2-5414

On receipt of information from Commonwealth's Attorney, clerk shall issue warrant for seizure and transport of dying, diseased, etc., livestock and poultry.

- Potato Tax Referendum § 3.2-1806

Clerk will post notices of the potato tax referendum and certify the posting to the Commissioner of Agriculture and Consumer Services.

**SECTION III. COSTS, FEES AND RECORDING TAXES****A. GENERAL****■ Collection of Fees by Commercially Acceptable Means § 17.1-222.1**

Clerks may accept payment by any means provided in § 2.2-614.1 in lieu of money for fees but are not guarantors of the payment if exercising ordinary care.

**■ Clerk's Fees § 17.1-275**

Sets fees for various services performed by clerk, including civil and criminal cases. Fixed fees are set in §§ 17.1-275.1 through 17.1-275.9.

The cover sheet that may be required by clerks under § 17.1-227.1 shall not be included as a page for determining the amount of applicable filing fees.

**■ Excess Fees Payment § 17.1-285**

Spells out disposition of excess fees.

**■ Clerk's Services § 17.1-267**

Lists the services which the clerk must provide free of charge.

**■ Remote Access Users § 17.1-276**

Clerk may charge a fee for remote access to land records. The Office of the Attorney General, Division of Debt Collection is exempt from paying fee.

**■ Receiver § 63.2-507**

Clerk to assess fee of \$5.00 when benefits exceed \$500.00 per year per applicant when welfare recipients unable to manage funds.

**■ Adoption § 63.2-1201**

Establishes a \$50 additional filing fee for domestic adoptions; exempts foreign adoptions from imposition of this fee.

**■ Financing Statements §§ 8.9A-505, 8.9A-525, 17.1-275(A)(40)**

Sets \$20.00 filing fee for filing and indexing both original and continuation filing statements for secured transactions under the Uniform Commercial Code (UCC).

**■ Termination Statements §§ 8.9A-513, 8.9A-525, 17.1-275(A)(41)**

Sets \$20.00 filing fee for filing and indexing UCC termination statements.

**■ Assignments of Security Interest §§ 8.9A-514, 8.9A-525, 17.1-275(A)(42)**

Sets \$20.00 filing fee for filing and indexing a filing statement or other similar statement showing an assignment of a security interest.

- Statement of Release of Collateral §§ 8.9A-512, 8.9A-525  
Sets \$20.00 filing fee for filing and recording a statement releasing all or part of the collateral described in a financing statement.
- Marriage License Tax § 20-15 – See **MARRIAGE LICENSES**
- Corporations and Limited Partnerships - See **CORPORATION AND LIMITED PARTNERSHIPS**

#### B. REAL ESTATE RECORDING FEES

- Discharge of Lien for Public Finance Bonds § 15.2-2605  
Clerk to mark lien arising out of bond project satisfied.
- Land Books-Transfer and Entry Fees § 58.1-3314  
Identifies how fees shall be collected for entering and transferring land on commissioner's land books.
- Transfer and Entry Fees § 58.1-3315  
Clerk to collect fees specified by § 58.1-3314
- Reentry § 55-246  
Clerk to collect a fee for recording and other services in connection with reentry.
- Liens Against Real Estate § 15.2-104  
Clerk may collect specified fees for recording, indexing and marking as satisfied, lien statements.

#### C. REAL ESTATE RECORDING TAXES AND FEES

- Recording Taxes § 58.1-801  
Sets recording taxes to be collected by clerk on deeds (but see §§ 58.1-809 and 58.1-811).
- Recordation Tax Fee Appropriation Act of 2010-2012  
Clerk to collect fee on every deed for which state recordation tax is collected under § 58.1-801 and § 58.1-803.
- Collection of Recording Tax § 58.1-812  
Clerk in whose office instrument is first offered for recordation shall determine amount of and collect tax on any deed, deed of trust, contract or other instrument.
- Fee for Open Space Preservation § 58.1-817  
Sets \$1.00 additional fee on every deed recorded in jurisdiction in which open space easements are held by Virginia Outdoors Foundation. Clerk shall collect and deposit fees into central fund.

- Technology Trust Fund Fee § 17.1-279

Sets additional fee to be assessed upon each instrument to be recorded in the deed books. This fee is to be deposited in a special trust fund for the purposes of obtaining, maintaining, developing and enhancing court-based technology. Compensation Board policies on allocation of funds require clerk to submit written certification that proposed technology improvements will provide secure remote access to land records on or before July 1, 2007. If a clerk provides secure remote access to land records on or before July 1, 2007, then that clerk may apply to the Compensation Board for an allocation from Technology Trust Fund for automation and technology improvements in certain enumerated areas.

- Additional (Grantor) Recording Taxes § 58.1-802

Imposes additional recording tax on instruments conveying an interest in realty and gives tax rate applicable to the consideration or value of the interest, which ever is greater (but see § 58.1-811). Applying the tax rate may require the clerk to review the amount of consideration and value of the interest to determine which is greater. Clerk to certify payment of tax prior to recordation.

- Deeds of Trust and Mortgages § 58.1-803

Sets tax to be collected on deeds of trust and mortgages (but see §§ 58.1-809 and 58.1-811).

- Deeds of Trust-Construction Loans § 58.1-804

Establishes when tax on construction loan deeds of trusts are to be applied to permanent loan deed of trust (but see § 58.1-811).

- Deeds of Release § 58.1-805

Specifies tax for deed of release (\$0.50).

- Partition Deeds § 58.1-806

Sets forth tax rate on deeds dividing lands (\$0.50 per deed).

- Contracts and Leases § 58.1-807

Sets forth tax on contracts and leases (but see §§ 58.1-809 and 58.1-811).

- Railroads § 58.1-808

Rate of tax on sales of railroad rolling stock or equipment (but see §§ 58.1-809 and 58.1-811).

- Deeds Not Taxable § 58.1-810

Specifies certain deeds that are not taxable.

- Tax-exempt Deeds § 58.1-811

Exempts certain types of deeds from taxation; no recordation tax to be levied in certain situations involving release.

- Multiple Recordation § 58.1-812

Recording tax to be collected only by clerk who first records document.

- Re-recording After Destruction § 58.1-812  
Documents may be re-recorded free of tax when record destroyed.
- Tax-exempt Transfers § 58.1-811  
Indicates which transfers are also tax-exempt.
- Tax Payment Timing § 58.1-812  
No document to be recorded prior to payment of tax, except that after payment of local taxes, the instrument may be recorded by any clerk.
- Local Recording Tax §§ 58.1-814, 58.1-3800 to 58.1-3804  
Permits local recording tax and outlines responsibilities of clerk for collection (but see § 58.1-811).
- Distribution of tax to counties and cities § 58.1-816  
Clerk to certify to Comptroller amounts actually collected within 15 days after quarter ends.
- Delinquent tax sale § 58.1-3971  
If property improperly placed on delinquent land books is sold, governing body shall reimburse court or appropriate party for costs and fees and clerk, upon order of court, will correct record.

#### D. COURT CASES

##### 1. General

- Writ Tax § 58.1-1727  
Indicates in which matters a writ tax is to be imposed, and the amount of the tax.
- Writ Tax, Where Paid § 58.1-1728 (formerly § 58.1-3810)  
Writ tax to be paid to the clerk of court where suit is commenced.
- Writ Tax, Required § 58.1-1729 (formerly § 58.1-3811)  
Clerk shall not issue writ, or docket any removed or appealed warrant, or notice mentioned in § 58.1-1727 until writ tax is paid.
- Legal Aid Service Fund Fee § 17.1-278  
In areas with non-profit legal aid program, clerk to collect \$10.00 fee at time of filing. Monies to be paid by clerk in the following manner: \$9.00 to a special fund and \$1.00 to the general fund for funding of district courts. Actions initiated by Commonwealth or local government are exempt from fee.
- Technology Trust Fund Fee § 17.1-279  
Clerk to assess a \$5.00 fee in each civil action, instrument to be recorded in the deed book, and judgment to be docketed in the judgment lien docket book.

- Courthouse Maintenance Fee § 17.1-281  
Clerk collects up to \$2.00 fee for each criminal, traffic and civil case filed in circuit court. Rate set by local ordinance. The assessment shall be in addition to any other fees prescribed by law.
- Courthouse Construction Fee § 17.1-281(C)  
If courthouse not in compliance with certain Virginia Courthouse Facility Guidelines, locality may enact ordinance. Clerk to assess an additional fee of up to \$3.00.
- Courthouse Security Fee § 53.1-120  
Assessed as part of costs in traffic and criminal cases to fund courthouse security, if authorized by a local ordinance.
- Service of Process Fee § 17.1-216  
Clerk may collect service of process fee which is delivered to officer processing service.
- Local Law Library Fee § 42.1-70  
Clerk to collect local law library fee (up to \$4.00) in civil cases if fee created by ordinance, remit funds to local treasurer. Establishes how funds may be spent.
- Counsel Pro Hac Vice Rule 1A:4  
Clerk to collect \$250 and transmit with a copy of notarized application and order to the Clerk of the Supreme Court of Virginia, and maintain the application for a period of three years after completion of the case and all appeals.
- Nonresident Plaintiff, Security for Costs § 17.1-607  
Nonresident plaintiff may be required to post security for payment of costs and damages.
- Interpreters for Deaf Persons § 8.01-384.1  
Provides for compensation and taxation as costs for interpreters for deaf persons in civil cases.
- Interpreters for Non-English Speaking Persons § 8.01-384.1:1  
Provides for compensation and taxation as costs for interpreters for non-English speaking persons in civil proceedings.
- Costs, Taxation § 17.1-624  
Sets forth what to tax as costs in a case.
- Additional Costs, Taxation § 17.1-626  
Sets forth what additional items are to be taxed as costs in a case.
- Costs § 17.1-627  
Premium on indemnity bond taxed as cost in attachment or levy to carry out judgment.

- **Costs, State Cases § 17.1-628**

Describes taxation of costs on behalf of state.
  - **Process and Service Fees § 17.1-272**

Sets forth fees to be charged for process and service.
  - **Fees in Commonwealth Cases § 17.1-266**

Clerk not allowed fees for services to state except as provided by statute. Similarly, localities exempt from paying such fees in specified circumstances.
  - **District Court Fees and Fines § 16.1-69.48**

Details which district court fines and fees are to be paid to the clerk of the circuit court.
- 2. Special Case Types**
- **Appeals from juvenile and domestic relations district court § 16.1-296**

Permits circuit court costs, taxes and fees only on cases in which a trial fee could have been assessed in the juvenile and domestic relations district court. Describes when the jurisdiction of an appeal will not be affected by a failure to file an appeal bond. Makes applicable the provisions of § 16.1-109 to bonds required in cases involving support.
  - **Appeals in custody and visitation cases from juvenile and domestic relations district court § 16.1-296.2**

Writ tax and costs or a petition to determine that writ tax and costs be waived due to poverty must be filed in the lower court in custody and visitation cases prior to transmission to circuit court. Upon receipt, the clerk shall docket the case.
  - **Withdrawal of Appeals to Circuit Court § 16.1-133**

Clerk to collect fines and costs where appeal is withdrawn more than ten days after conviction.
  - **Appeals of Bail/Bond Determinations § 19.2-124**

No filing or service fees assessed or collected for such an appeal.
  - **Appeals of Mental Commitments from District Courts § 37.2-821**

Appeal may proceed without payment of costs or other fees, but permits recovery of costs.
  - **Appointment of guardian or conservator of indigent § 37.2-1008**

If the adult subject of the petition is indigent, any fees and costs of the proceeding which are fixed by the court shall be borne by the Commonwealth.
  - **OSHA Case Costs and Fees § 40.1-49.4(m)**

No fees or costs to be charged on cases or appeals filed by Commonwealth.

- Tax Petition § 58.1-3959

Clerk to collect \$1.00 fee plus costs but not writ tax in petition to ascertain delinquent taxes.

- Jurors in Eminent Domain Cases § 25.1-235

Sets compensation for jurors in eminent domain cases.

### 3. Witnesses

- State Witness Fees § 17.1-611

State allowances to witnesses to be paid by local treasury and refunded by state on certificate of clerk.

- Other Witness Fees § 17.1-612

Provides formula for payment of allowances to witnesses not covered by § 17.1-611.

- Witness Fees Forms § 17.1-613

Describes form of certificate for witness fees to be completed by the clerk.

- Convicts as Witnesses in Civil Actions § 8.01-410

Party seeking testimony of prisoner shall advance expenses of officers which court shall tax as other costs.

### 4. Criminal Cases

See also **GENERAL** within this topic.

- Sheriffs' Fees and Mileage § 15.2-1609.3

Fees and mileage allowances of sheriffs and deputy sheriffs are collected by clerk and paid into locality's treasury.

- Processing Fee When Admitted to Jail Post-Conviction § 15.2-1613.1

Gives county and city discretion to authorize a processing fee of not more than twenty-five dollars charged when an individual is admitted to the county or city jail following conviction. The fee will be ordered as part of court costs and collected by the clerk.

- Remitted Fines and Costs § 19.2-368

Governor informs clerk if fines and costs remitted - clerk shall so mark order book, judgment lien book.

- Uncollected Fines and Costs §§ 19.2-305.1, 19.2-349

Clerk monthly to report unpaid fines, costs, forfeitures and penalties for a violation of state law or local ordinance to the Department of Taxation, the Compensation Board, Commonwealth's Attorney and the judge. The defendant's social security number must be obtained at sentencing if Set-Off Debt Collection Act may be used to collect unpaid fines and costs. Clerk with Commonwealth's Attorney may agree to a process of collection. Section 19.2-305.1 describes procedures to be followed if the victim of a crime can no longer be located or identified.



■ Personal Checks and Credit Cards § 19.2-353.3

Personal checks shall be accepted in lieu of money to collect and secure all fees, fines, costs, etc. The Clerk may, in his discretion, accept credit card payment and may charge a convenience fee up to 4% and clerk may charge additional fees for dishonored checks and credit card payments.

■ Payment Installments § 19.2-354

Court may authorize clerk to establish and approve conditions of installment payment agreements. Agreement must include information specified. Clerk must give defendant notice of penalties for failure to pay pursuant to installment agreement.

■ Receipt § 19.2-359

Clerk to give official receipt to officers and clerks turning over fines and costs to circuit court clerk.

■ Judgment for Costs § 19.2-336

Clerk to docket costs against defendant if defendant is found guilty or is placed on probation during deferral of the proceedings, and issue execution to collect same.

■ Certificate of Allowance § 19.2-334

Describes contents of certificate of allowance from a clerk.

■ District Court Costs § 19.2-335

Judge of district court to certify costs of criminal proceedings, including any proceeding which has been deferred upon probation of the defendant, to clerk of circuit court.

■ Prosecuting attorney §§ 15.2-1627.3, 17.1-275

Specifies when a fee for a city attorney or a Commonwealth's Attorney is to be imposed.

■ Virginia Crime Victim/Witness Fund

Pursuant to §§ 17.1-275.4, 17.2-275.7-275.9, the specified fractional amount of court costs collected shall be apportioned to this fund.

■ Regional Criminal Justice Academy Training Fund § 9.1-106

Pursuant to §§ 17.1-275.4, 17.2-275.7-275.9, the specified fractional amount of court costs collected shall be apportioned to this fund.

■ Local Criminal Justice Academy § 9.1-106

A locality which operates a local criminal justice training academy may create a fee to be charged upon a conviction as additional court costs.

■ Court Reporter Fund § 17.1-275.6

Clerk shall pay statutory amount from the court reporter fund into a fund for maintenance of electronic devices used in recording testimony.

■ Drug Offender Assessment and Treatment Fund § 18.2-251.02

Establishes in the state treasury the Drug Offender Assessment and Treatment Fund which shall consist of moneys received from fees imposed on certain drug convictions pursuant to subdivisions (10) and (11) of § 17.1-275.

■ Criminal Injuries Compensation Fund § 19.2-368.18

When costs are imposed pursuant to §§ 17.1-275.1 through –275.4 and 17.1-275.7 through –275.9, a portion of such costs are to be paid to the Criminal Injuries Compensation Fund.

■ Motorboat and Water Safety Fund of the Game Protection Fund § 29.1-735.2

Establishes \$100 civil penalty for a violation to be deposited in the fund upon assessment.

■ Interpreters for Deaf Person and Non-English Speaking Person §§ 19.2-164.1, 19.2-164

Interpreter's fee paid out of state treasury but not taxed as costs except when the defendant fails to appear for trial, the defendant is convicted of failure to appear, and the interpreter appeared for the trial and for no other case on the same date.

■ Ignition interlock systems § 18.2-270.1

A fee of \$20.00 to cover court and administrative costs related to the system shall be paid by any offender to the Clerk. The Clerk shall file a copy of the order with the Department of Motor Vehicles.

■ Money Seized Upon Arrest § 19.2-270.2

Court, with consent of the Commonwealth's attorney, may authorize clerk to deposit moneys which have been introduced as evidence in a prosecution in an interest-bearing account.

■ Interest § 19.2-353.5

No interest shall accrue on costs or fines imposed in a criminal case or traffic infraction for the first 40 days during any period defendant is incarcerated as a result of that case, or while being made in installments pursuant to a court order.

■ Distribution of Profits from Crime § 19.2-368.21

Proceeds paid into Criminal Injuries Compensation Fund may be used to satisfy fines and costs assessed against defendant.

■ Contributions by Persons on Parole, Probation, and Work Release § 53.1-150

Provides that fees assessed for confinement, supervision, work release, or participation in a local community-based probation program or home/electronic incarceration program are to be paid to the clerk.

■ Fee charged for DNA Analysis in a Felony Conviction § 19.2-310.2

Sets out twenty-five dollar fee charged for withdrawal of DNA sample to be assessed as part of the costs of the case resulting in felony conviction. Half of fee is paid to locality and half to state treasury.

■ Internet Crimes Against Children Fee § 17.1-275.12

Clerk to charge \$10.00 fee as court costs on every felony and misdemeanor conviction to be paid to state treasury and Internet Crimes Against Children fund.

- Costs charged when Accused Demands In-Person Testimony in Lieu of Certificate of Analysis §§ 19.2-187.1, 17.1-275.5

If defendant demands in-person testimony and is found guilty, clerk to charge specified fee for witness expenses.

## SECTION IV. TAXES

### A. GENERAL PROVISIONS

- Collection From Third Parties §§ 58.1-1804, 58.1-2020

Collection officer can sue third party who owes to or has property of a person assessed with taxes or levies - clerk to issue summons to third party.

- Tax Land Sale § 8.01-98

Describes duties of clerks on sale of land for taxes where sales proceeds do not fully pay taxes.

- Assessment Books § 17.1-243

Requires binding of assessment books.

### B. STATE TAX COLLECTIONS

- Commissions § 58.1-3176

Specifies clerk's entitlement to commissions on collections.

- Monthly Statements § 58.1-3175

Clerks to make monthly statements to Comptroller.

- Memorandum of Tax Lien §§ 58.1-1805, 58.1-2021

Memorandum of tax lien is sent to clerk, who shall record it as a judgment.

- Collection Forms § 58.1-3174

Clerk to enter all funds collected on forms prescribed by § 58.1-3173.

- Accounting System § 58.1-3173

Clerks are to use state accounting system and state supplied forms in accounting for funds collected.

- Jeopardy Assessment Lien § 58.1-314

Clerk to record notice of jeopardy assessment lien as a judgment is required to be recorded and indexed.

- Improper or Erroneous Tax Assessment § 58.1-1826

Clerk to certify a copy of document correcting improper or erroneous tax assessment to State Tax Commissioner.

- Corrected Assessments § 58.1-3989

Clerk to certify to commissioner of revenue and treasury changes in assessment ordered by court.

#### C. DEATH TAXES

- Out-of-state Taxes §§ 58.1-913-914

If proof of payment of out-of-state death taxes not made within 18 months from appointment of executor or administrator, clerk to send notice to domiciliary state with information described in this section.

- Additional Tax § 58.1-1717

Clerk to compare value of estate on probate tax return and inventory and collect additional estate taxes if the clerk finds that estate was undervalued for probate tax purpose.

- Tax Return § 58.1-1714

Requires clerk to take estate tax return, of any estate valued over \$15,000, at time of will probate or granting of letters of administration.

- Tax Rate § 58.1-1712

States rate of estate tax to be collected by clerk on estates.

- Local Inheritance Tax §§ 58.1-1718, 58.1-3805 to 58.1-3806

Permits localities to impose local estate taxes to be collected by clerk.

#### D. LOCAL TAXES

- Commissioner of Revenue - Incapacity or Misconduct § 58.1-3122

State Tax Commissioner shall report to clerk any misconduct or incapacity of local commissioner of revenue. Clerk to present such letter to the circuit judge.

- Treasurer's Discharge §§ 58.1-3145, 58.1-3146

Clerk to post and publish notice when treasurer or his personal representative seeks a final discharge, and to issue a rule to show cause why the discharge should not be granted.

- Delinquent Treasurers § 58.1-3171

Clerk of circuit court certifies motion of Attorney General in proceeding against delinquent treasurers for state taxes. Upon receipt of a copy of such motion, clerks of circuit courts in which treasurer and his sureties have estates are to record and index such motion as a deed.

- Local Treasurer § 58.1-3138

If successor local treasurer fails to qualify, certain tax documents are turned over to clerk of circuit court.

- Memorandum of lien for collection of taxes § 58.1-2284

DMV Commissioners may file memorandum of lien for delinquent fuel tax in clerk's office. Clerk to record memorandum as a judgment.

■ Judgments § 58.1-3304

Certain clerks to provide annual lists of judgments of partition and recovery of land and of land devised to commissioners of revenue.

E. REAL ESTATE TAXES

**1. Reassessment of Real Estate Taxes**

■ Fees §§ 58.1-3314, 58.1-3315

Clerks to collect certain fees in connection with transfers and entries on commissioner's land books.

■ Reassessment Books § 58.1-3300

Clerk to receive and preserve original reassessment book.

■ Board of Equalization § 58.1-3377

Board of Equalization not using general reassessment may use most current land book from clerk for its purposes.

■ Assessment Appeal § 15.2-2410

After objections to assessment are overruled, objector can appeal to circuit court, after which assessing board must file copy of original assessment notice with clerk. Clerk to docket appeal upon receipt.

**2. Changes In Real Estate Taxes**

■ Correcting Tax Deficiency § 58.1-3981

Commissioner to notify clerk of erroneous assessment where property sold for delinquent taxes and clerk to correct the Delinquent Land Book.

■ Apportionment of City Taxes § 58.1-3224

Clerk to provide copy of court order apportioning city taxes when part of property becomes separately owned, may collect a \$0.75 fee.

■ Apportionment of Taxes § 58.1-3226

Clerk to certify copies of order apportioning taxes after partition to certain local officers. Clerk to enter order in delinquent land books if land has been returned delinquent and to furnish copies of order to parties. Clerk may charge \$0.75 fee.

■ Proration of Taxes § 58.1-3227

Clerk shall record certain information in delinquent real estate tax book after suit to obtain proration of delinquent taxes after partition.

■ Real Estate Tax Abatement for Public Taking § 58.1-3360.1

Clerk to issue certificate to local treasurer containing specified information.

■ Federal Government Land § 58.1-3361

Clerk to certify to Comptroller and local treasurer certain information concerning lands acquired by the government and religious bodies.

■ Taxation § 58.1-3904

If owner wishes to get omitted lands on tax records, he must file a plat and other information with clerk.

**3. Real Estate Tax Records**

■ Land Books § 58.1-3310

Commissioner of revenue to file copy of land book with clerk, who shall preserve it.

■ Deed Reports § 58.1-3303

Clerks to provide local commissioners of revenue and Department of Taxation with a printed paper copy or an electronic transfer of certain recording receipts and lists of other deed transactions.

**4. Delinquent Real Estate Taxes**

■ Proceeds from Tax Sales § 58.1-3967

If property sold for delinquent tax produces a surplus not claimed by owners, within two (2) years after sale, clerk pays it to locality.

■ Tax Deeds § 58.1-3341

Clerks shall not make a tax deed conveying real estate sold for taxes or levies which have been delinquent for 20 years or more.

■ Delinquent Tax Sales § 58.1-3965

Provides for imposition and collection of costs incurred in delinquent tax situations.

■ Sales for Late Taxes § 58.1-3966

If locality employs attorney to bring suits for delinquent taxes, the attorney shall give bond to the clerk. Clerk to record in special commissioner's bond book.

**5. Real Estate Recording Taxes**

See COSTS, FEES AND RECORDING TAXES

F. COURT CASES

See COSTS, FEES AND RECORDING TAXES

**SECTION V. GENERAL CASE PROCEDURES**

A. GENERAL PROVISIONS

- Pleadings in general § 17.1-129; Rule 1:4(h)

Clerk shall stamp or mark filing date and time on every pleading.

- Local Rules of Court, Rule 1:15

Upon request, clerk shall furnish copy of current local rules. Local rules to be included in order book and posted in clerk's office.

- Disposal or donation of exhibits in civil case § 8.01-452.1

Defines procedure.

## B. CASE INITIATION

### 1. Generally

- Writ tax § 58.1-1729

Requires payment of writ tax before issuing civil case-initiating process.

### 2. Civil Action

- Commencement of Civil Action, Rule 3:2

Requires payment of writ tax and clerk's fee before issuance of summons.

- Copies of Complaint, Rule 3:4

Details clerk's duties when insufficient number of copies of complaint are provided by plaintiff.

## C. VENUE

- Transfer of venue § 8.01-266

Award of costs by transferor court does not preclude assessment of fees by clerk of transferee court.

## D. SERVICE OF PROCESS

### 1. General

- Copies of Pleadings § 8.01-291

Clerk to transmit enough copies of plaintiff's pleadings to give a copy to each party to be served.

- Service Directed to Others § 17.1-214

Requires clerk to deliver process, orders and decrees to proper officer to serve on other party unless directed otherwise by interested party or his attorney.

- Service of Process on Statutory Agent § 8.01-312

Statutory agent to file affidavit of compliance with clerk.

- Out-of-Town Process § 19.2-235

Clerk to mail process issued for state to officer in other jurisdictions when required.

- Posted Service § 8.01-296(2)(b)

Party causing service to be posted must file certificate of mailing 10 days prior to trial in clerk's office.

- Garnishments § 8.01-511

Judgment creditor to provide clerk with envelope with last known address of judgment debtor if requesting service by sheriff. Clerk to send copy of summons and required forms to sheriff. Judgment creditor to provide judgment debtor's social security number to clerk unless an exception applies.

- Process Book § 17.1-215

Clerk to keep a process book or file or automated system showing details of issuance of process, decrees, and orders, with clerk to get receipt for process delivered to an officer for delivery.

- Pro Se Party § 8.01-319

Party appearing pro se must file with clerk a written statement containing his residential and mailing address and any changes to the same.

- Service on Statutory Agent § 8.01-326.1

Requirement of certificate of compliance; effective as of date of filing with clerk.

- Service through Secretary of the Commonwealth § 8.01-329

The person filing an affidavit may leave a self-addressed, stamped envelope with the clerk. The clerk to mail to the party, his agent or attorney.

- Prisoners as Litigants § 53.1-222

Notice of pending litigation in which a prisoner confined in a state facility is a party must be given by the clerk to the prisoner's committee.

## 2. Order of Publication

- Interim Notice § 8.01-319

After divorce suit is started, party moves without leaving forwarding address with clerk - may then omit notice by publication of further proceedings if party does not have an attorney.

- When Order Permitted § 8.01-316

States when clerk may enter order of publication.

- Order in Condemnation Cases § 25.1-210

States when clerk may enter order of publication in condemnation case, provides procedures.

- Qualification of Newspaper § 8.01-324



States the qualifications that a newspaper must have to permit it to carry legal notices, orders of publication, etc. Provides that the court may grant authority to publish certain notices upon petition by a newspaper that meets certain lesser criteria.

- Service of Order § 8.01-317; § 1-211.1

Clerk may direct publication in a certain newspaper, unless dispensed with by court, post copy on courthouse door or principal public entrance, mail copy to last known address of defendants, and file affidavit to this effect.

### 3. Service of Civil Action

- Summons, Rule 3:5

Sets forth when summons (with complaint attached) should be issued by clerk, provides format for form summons.

- Proof of Service, Rule 3:6

Provides format for proof of service form, requires clerk to prepare and deliver form to accompany summons and copy of complaint.

## E. CONFESSION OF JUDGMENT

- Case Not Yet Filed § 8.01-431

Describes clerk's duties in confession of judgment by a defendant whether or not suit is on the docket for trial.

- Case Filed § 8.01-432

Describes procedures after case commenced for clerk to take and record a confessed judgment by a debtor or his attorney in fact.

- Required Notice of Confession of Judgment in Instrument § 8.01-433.1

Describes statement which must appear on instrument containing confession of judgment provision.

- Form § 8.01-436

Form of confession of judgment which clerk shall require attorney or debtor to execute.

- Endorsement § 8.01-437

Clerk shall endorse a certificate on confessed judgments (form provided in statute).

- Docketing and Execution § 8.01-440

Clerk to docket confession of judgment and issue executions as directed by the creditor.

- Copy to Debtor § 8.01-438

Clerk to cause order of confessed judgment plus notice provisions of § 8.01-433 to be served on judgment debtor.

- Filing of Judgment § 8.01-439

How clerk is to file confession of judgment.

- Recordation § 8.01-434

Informs clerk what to record in judgment lien book where judgment is by confession.

#### F. PRE-TRIAL MATTERS

- Discovery - Production of Tangible Evidence, Rule 4:9(A)

Details clerk's responsibilities in issuing subpoena to and holding evidence from a third party when discovery is had on tangible evidence held by a third party.

- Proceeding before Commissioner in Chancery, Rule 3:23

Clerk to send to commissioner a copy of the order referring the matter to a commissioner in chancery.

- Intervenors Rule 3:14

Intervenors not subject to writ tax or clerk's fees, but are subject to other provisions governing pleadings in civil actions.

- Cross-claim § 17.1-275

Cross-claims not subject to writ tax or clerk's fees, but are subject to other provisions governing notices of motion for judgment.

- Amended Complaint Rule 3:16

Amended motion for judgment to add new parties not subject to writ tax, clerk's fees or deposit for costs, but are subject to other provisions governing motions for judgment.

#### G. WITNESSES

- Summons for Witness § 8.01-407

Clerk in court in which witness is to appear may issue summons to compel attendance, clerk shall not impose any time restrictions limiting the right to properly request a summons up to and including the date of the proceeding. However, a subpoena for a judicial officer is without legal effect if served less than five calendar days before appearance is required, unless issued by a judge. Section 8.01-407 also provides for an attorney-issued summons.

- Administering Oaths to Witnesses § 8.01-405

Clerk or deputy clerk may administer oath to witness in the presence and at the direction of the trial judge.

- List of Entries for Witness § 17.1-614

Clerk to prepare duplicate lists of entries for witnesses for state, one to be sent to the local treasurer and one to the Supreme Court, both with a certificate of correctness.

- Out-of-State Witness § 19.2-278

Judge may direct clerk to issue warrants to pay out-of-state witness costs to be paid from state treasury on presentation.

■ Summons for Witnesses § 19.2-267

Attorney for the Commonwealth or for the defendant who issues summons for a witness in a criminal case shall file the name and address of such witness with the clerk.

■ Clerk as Witness § 19.2-271

States that clerk cannot testify in court with certain exceptions.

■ Inmates as Witnesses in Civil Actions § 8.01-410

If authorized by the court, the clerk may issue an order in a civil action to have the inmate brought to court.

## H. JURY

### 1. Jury List

■ List of Eligible Jurors § 24.2-405

General registrar to provide list to courts for jury selection purposes.

■ Who is exempt from jury service §§ 8.01-341 and 8.01-341.1

Lists persons who are exempt from jury service and who are exempt upon request.

■ Master jury list § 8.01-345

Jury commissioners required to provide master jury list for use in a calendar year by December 1 of the previous year.

■ Jury Box Security § 8.01-347

Clerk to lock and safely keep box with jurors' names (jury box).

■ Selection from Jury Box § 8.01-348

Clerk or deputy clerk in presence of certain officials, shall mix up juror ballots and pull ballots from box.

■ Ballots § 8.01-349

Clerk to note on jury ballot if named party is deceased or otherwise not capable of jury duty and place such ballots in a specially marked envelope. Drawn ballots to be placed in separate envelope and may only be placed back in jury box after all ballots have been drawn.

■ Safekeeping § 8.01-346

Clerk to safely keep jury lists.

- Preparation and Disposition § 8.01-351

Clerk to prepare and sign list of jurors drawn from jury box, and supply certain information; clerk to deliver attested copy of same to sheriff.

- Availability § 8.01-353

Clerk to make copy of jury list (containing specified information) available to counsel at least three (3) business days before trial.

## 2. Jury Compensation

- Juror Compensation and Expenses § 17.1-618

Specifies allowable juror and jury commissioner fees and expenses.

- List of Allowances § 17.1-622

Clerk shall transmit orders making juror allowances to Supreme Court, local treasurers, and each juror.

- Court Minutes § 17.1-621

Clerk shall enter in the court's minutes the compensation paid to jurors.

- Sheriff's Statement § 17.1-619

Sheriff to give to clerk a statement of juror number and names in attendance.

- When Persons Not Entitled to Compensation § 17.1-620

Details when jurors and witnesses for the Commonwealth are not entitled to compensation.

## 3. Jury Commissioners

- Appointment § 8.01-343

Clerk to enter appointment of jury commissioners in civil order book.

- Notification and Oath § 8.01-344

Jury commissioners shall be notified by clerk of their appointment, take oath before clerk.

## 4. Grand Jury

- Veniremen § 19.2-194

Clerk receives list of veniremen for grand jury, issues venire facias for grand jury.

- Multi-jurisdiction Grand Jury §§ 19.2-215.1 to 19.2-215.11

Describes procedures for such grand juries, including selection of grand jurors, payment of fees and expenses, powers of presiding judge.

**I. JUDGMENTS**

See also COURT RECORDS.

**1. General****■ Assignment of Judgments § 8.01-452**

Clerk shall file assignment of judgment with other papers in the case or by attested assignment by notation on judgment lien docket. The assignment must be shown on the judgment lien docket.

**■ Abstract of Judgment § 8.01-461**

Clerk to give, upon request by any interested person, an abstract of judgment.

**■ Unsatisfied Judgment for Commonwealth § 8.01-211**

On request of Comptroller, clerk to issue writ of venditioni exponas.

**■ U.S. Judgments § 55-140**

Judgments, orders and decrees of Federal courts shall be recorded in deed books.

**■ Septic Tank Permit Appeal Decisions § 32.1-164.1**

Clerk shall record in land records the decision of the court in a septic tank permit appeal, and any permit for a septic tank issued with conditions.

**■ Judgment Rate of Interest § 6.1-330.54**

Judgment rate of interest is six percent annually, except that money judgments entered in contract actions carry interest at the higher of the contract rate or six percent; applies to both prejudgment interest and post judgment interest.

**2. Satisfaction of Judgment****■ Missing Creditor § 8.01-456**

Judgment debtor who cannot locate judgment creditor may pay amount due to court; clerk to deposit same in bank, file receipt, and note the same on judgment docket.

**■ Debtor's Motion to Record Satisfaction § 8.01-455**

Outlines certain instances where clerk shall mark judgments paid on docket on judgment debtor's motion.

**■ Commonwealth as Creditor § 8.01-457**

Clerk shall mark release of recognizance or payment of judgment in favor of the Commonwealth, by so marking the judgment lien docket.

**J. APPEALS TO SUPREME COURT/COURT OF APPEALS**

- Record on Appeal, Disagreement on Contents, Rule 5:10, Rule 5A:7

Trial judge will decide disagreements between clerks and counsel regarding contents of the record when case is appealed.

- Record on Appeal, Preparation, Rule 5:13, Rule 5A:10(a)

Clerks shall prepare record as soon as possible after notice of appeal filed. Rules provide instructions for preparation of record. If multiple appeals involve the same case or cases, only one record need be prepared and transmitted.

- Record on Appeal, Return to Trial Court, Rule 5:17, 5A:10(f)

After record is returned to trial court, clerk shall return it to Supreme Court if requested by Clerk of Supreme Court or the Court of Appeals if requested by the Clerk of the Court of Appeals.

- Decision on Appeal § 8.01-683

Copy of decision of appellate court mailed to clerk. Penalty for delay in recording decision of the Supreme Court.

- Record for Supreme Court § 8.01-673

Supreme Court clerk to send writ of certiorari to circuit court clerk after writ is granted and to return record to clerk of circuit court after appeal disposed of. Circuit court clerk to return case record to Supreme Court upon request. Manuscript of record in cases where the Supreme Court denied appeal prior to 1950 to be retained by clerk.

- Record for Court of Appeals § 8.01-675.4

Writ of certiorari to be sent from Court of Appeals to circuit court clerk, who will send case record to Court of Appeals.

- Recordation of Decision § 8.01-685

Clerk to record decision of appellate court in order book and, if affirmed, to issue execution of bond (if requested).

- Bond § 8.01-676.1

Spells out appeal bond provisions on appeals to Supreme Court or to Court of Appeals.

**K. FORTHCOMING BOND**

- Execution on Bond § 8.01-531

Provides circumstances when bond for forthcoming of property shall not be taken.

- Fees § 16.1-91.1

Restricts fees to be collected by clerks for endorsing and recording forthcoming bond.

- Return of Bond § 8.01-529

Procedure for clerk on return of forthcoming bond.

- Return of Forfeited Bonds § 8.01-527

Sets forth procedures to be followed by clerk on return of forfeited forthcoming bonds.

- Withdrawal of Bonds § 8.01-532

Sets forth what clerk must do to permit withdrawal of original of forthcoming bond.

## L. EXECUTIONS

### 1. General

- Third-party Beneficiary § 8.01-473

Clerk shall state extent of interest of third party on execution issued for the benefit of a third party.

- Quashing Execution § 8.01-477

Clerk from whose office the execution issued must take required bond before execution quashed.

- Court No Longer Existing § 17.1-130

When a court ceases to exist, clerk of court where former court's records are kept may issue executions or decrees and judgment from such other court.

- Homestead Exemption § 34-20

When proceeds of sale of exempt estate is invested or set aside by court order, the copy of order and commissioners report shall be certified by clerk and recorded.

- Writ of Venditioni Exponas § 8.01-211

Clerk, when required by Comptroller, to issue writ of venditioni exponas to sheriff of adjacent jurisdiction directing him to sell the unsold property described in the writ.

- Writs of Execution Which May Not Issue § 8.01-467

Lists various writs of execution which may not be issued.

### 2. Debtor's Interrogatories

- Which Court Issues Process § 8.01-506

Clerk of court from which fieri facias issued shall issue summons for debtor's examination by creditor if requirements are met or the execution creditor may request that a summons be issued for the debtor to appear before the court in the locality where the execution debtor lives or a county or city contiguous thereto. If summons issued from a court other than the court that issued the fieri facias, the execution creditor must provide the court with an abstract of judgment and pay a docketing fee for the summons to be issued.

### 3. Writ of Fieri Facias

- Issuance § 8.01-466

When and how clerk shall issue writ of fieri facias on judgment for money.

- Destruction of Writ § 8.01-484

Outlines clerk duties regarding destruction of a writ of fieri facias.

### 4. Third-Party Property Interests

- Claim § 8.01-365

Trial of claim of third party may be had regarding property seized pursuant to writ of fieri facias issued by clerk.

- Interpleader Bond § 8.01-368

Bond of party given to officer serving fieri facias or distress warrant to be filed in clerk's office.

### 5. Garnishments

- Issuance of Garnishment Process § 8.01-511

Specifies under what circumstances the clerk may issue a garnishment summons and what must be issued by the clerk.

- Form of Garnishment Summons § 8.01-512.3

Specifies form of garnishment summons.

- Garnishment of Certain Accounts § 6.1-125.3(D)

Upon request and payment of applicable fees by creditor, clerk to issue summons to other owner of joint account, debtor, and financial institution.

- Exemption Claim Notice § 8.01-512.4

Specifies form of exemption claim notice required in § 8.01-511.

- Exemption Claim Hearing § 8.01-512.5

Specifies clerk's duties when judgment debtor requests a hearing on his exemption claim.

- Garnishee's Answer § 8.01-515

Permits answer by written statement or payment of funds garnished.

- Garnishment Disposition § 8.01-516.1



Clerk may notify the garnishee to cease withholding assets of judgment debtor if the judgment creditor certifies that claim is satisfied or that judgment creditor desires to have the garnishment action dismissed.

■ Pre-hearing Payment § 8.01-520

When garnished funds are paid to clerk prior to trial, clerk will give receipt upon request.

## SECTION VI. EXTRAORDINARY ACTIONS

### A. HABEAS CORPUS

■ Facts § 8.01-661

Clerk to enter facts proved in case among records of court.

### B. INJUNCTION

■ Bond § 8.01-631

Bond for injunction shall be given to clerk of court in which decree is entered. For injunction sought by or awarded to state, no bond required.

■ To Whom Directed § 8.01-627

Injunction orders shall be directed to clerk of proper court for proceedings in that court. (See § 8.01-261 for courts in which bills shall be brought.)

### C. WRIT OF QUO WARRANTO

■ Bond § 8.01-637

Requires clerk to approve required bond with surety from person filing petition before issuing writ.

### D. ATTORNEY DISCIPLINE

■ Proceedings Pending a Disciplinary Action § 54.1-3936

Requires papers in connection with certain actions against attorneys to be placed under seal.

## SECTION VII. CRIMINAL PROCEDURE

### A. ARREST PROCESS

■ Process of Arrest § 19.2-71

Clerk may issue process of arrest.

■ Summons § 19.2-233

Clerk to issue as many copies of summons as the number of persons named on it who are to be served.

■ Capias or Summons, Rule 3A:7

Specifies clerk's duties in issuing a capias or summons after return of the indictment or information, sets form requirements, provides for re-issuance of documents. (See also Form 5 for Capias).

■ Improper Release, § 53.1-116.3

Issuance of capias for arrest of prisoner by court upon notification that the prisoner may have been improperly released or discharged from custody.

■ Capital Murder Indictments, § 19.2-217.1

Clerk to file a copy of a grand jury indictment for capital murder with the clerk of the Supreme Court of Virginia.

B. BAIL AND RECOGNIZANCE

■ Judicial Officer §§ 19.2-119, -120

Defines clerk as a judicial officer who may conduct a bail hearing to release or commit an accused.

■ Admit to Bail §§ 19.2-120, -120.1

Judicial officer (includes clerk of circuit court under § 19.2-119) can admit a defendant to bail with certain exceptions.

■ Fixing Terms of Bail, § 19.2-121

Judicial officer to fix terms of bail after taking certain information into account.

■ Application of Cash Bond to Fines and Costs § 19.2-121

If accused complies with bail terms, cash bond can be applied to fines and costs only with consent of person posting cash bond.

■ Transmission of Recognizance § 19.2-142

Provides for transmission of recognizance by person taking recognizance to clerk.

■ Discharge Recognizance § 19.2-152

Clerk shall receive order discharging recognizance.

■ Conditions or Release on Bond § 19.2-123

Sets out criteria for release of accused on bond or recognizance.

■ Bail Piece § 19.2-134

Provides form of bail piece to be provided by clerk to the accused at his request on a recognizance.

■ Release of Surety Bond § 19.2-149

Capias for arrest of principal by bondsman seeking release from bond - after arrest of principal, the jailer or sheriff returns capias to clerk.

- Default on Recognizance § 19.2-143

Default on district court recognizance within the civil jurisdictional limits of a general district court - abstract of judgment to be promptly forwarded to clerk of circuit court for docketing. For larger recognizances, process is returnable to circuit court for trial. Special forfeiture and funds distribution provisions are provided for situation where defendant posts a cash bond and fails to appear.

- Bond Forfeitures § 19.2-143

Clerk shall record abstracts of judgments on forfeiture bonds.

- Forfeited Recognizance or Bond § 19.2-147

Clerk to receive and promptly record abstracts of judgments entered upon forfeited bond or recognizance.

#### C. SEARCH AND SEIZURE

- Search Warrant Affidavits § 19.2-54

Affidavit in support of search warrant to be filed with clerk within seven days after issuance of warrant - clerk to allow public inspection of affidavits after the warrant has been executed or 15 days after issuance of the warrant, whichever is sooner. Provides for temporary sealing of affidavits. Clerk to retain index of affidavits.

- Search Warrant Returns § 19.2-57

Executed search warrant with either an inventory attached or a notation that no property was seized shall be filed in the appropriate clerk's office.

- Illegal Alcohol § 4.1-340

Commonwealth's Attorney to file information in clerk's office regarding seized motor vehicle used in connection with illegal alcoholic beverages.

#### D. PRE-TRIAL MATTERS

- Preliminary Hearing § 19.2-190

Person taking examination and recognizance regarding commitment of accused for further examination must certify same to clerk.

- Certificate of Analysis § 19.2-187

Requires clerk, upon request from defendant or defense counsel, to mail or deliver, at no charge, a copy of certificate of analysis described by this section at least seven (7) days prior to hearing or trial. Request must be submitted on form provided by the Supreme Court at least ten (10) days prior to hearing. If request pertains to case not presently before the court, clerk to advise requestor of need to resubmit.

- Certificate of Status of Accused § 19.2-135

Clerk shall, upon receipt of certificate of recognizances or detention, notify the Commonwealth's Attorney of the certificate.

■ Commonwealth's Attorney § 19.2-155

Clerk may certify the disqualification or disability of a Commonwealth's Attorney.

■ Subpoena, Rule 3A:12

Clerk may issue subpoena for witnesses to appear before a circuit court or grand jury, specifies content of subpoena. (See also Form 8, Subpoena, and Form 9, Subpoena Duces Tecum.)

■ Transfer of Venue § 19.2-253

Upon transfer of venue, clerk shall certify all case papers to court where proceeding is transferred.

■ Judge Cannot Sit on Trial § 19.2-153

Clerk certifies to Chief Justice of Supreme Court that judge cannot try case.

■ Victim Impact Statement § 19.2-299.1

A copy of any Victim Impact Statement, if ordered, shall be made available to the defendant or his attorney at least five (5) days prior to sentencing.

■ Inmates as Witnesses in Criminal Cases § 19.2-269.1

If authorized by the court, the clerk may issue an order in a criminal case to the Director of the Department of Corrections to deliver the inmate to the sheriff of the ordering court's jurisdiction.

■ Issuance of Transportation, Commitment and Release Orders § 17.1-219.1

Circuit judge may authorize clerk to issue orders for transportation, commitment or release of incarcerated defendants.

■ Pretrial Appeal, Unconstitutional Statute or Ordinance § 16.1-131.1

A pretrial appeal may be taken in any criminal case from a circuit court order dismissing on the ground that a statute or local ordinance is unconstitutional.

E. GRAND JURY

See also GENERAL CASE PROCEDURES, JURY.

F. SENTENCES

■ Restitution §§ 19.2-305, 19.2-305.1, 19.2-305.4

Clerk to disburse restitution paid into court. The court when ordering restitution pursuant to §§ 19.2-305 or 19.2-305.1 may provide in the order interest on the amount so ordered at the rate specified in § 6.1-330.54. If the order requires interest and does not specify the date from which the interest shall accrue, the interest shall automatically accrue from the date of the loss or damage. If restitution is ordered to be paid to victim who cannot be found, clerk to pay into Criminal Injuries Compensation Fund.

■ DNA Analysis §§ 19.2-303, 19.2-303.3

Requires clerk prior to or upon sentencing to review the Local Inmate Data System (LIDS), if the court has electronic access, to determine whether a blood, saliva, or tissue sample has been taken from the defendant for DNA analysis and submitted to the DNA data bank maintained by the Department of Forensic Science. Provides for specific court order if the clerk determines that no such sample has been taken or if the court does not have access to LIDS.

- Saliva or tissue sample required for DNA analysis after arrest for a violent felony § 19.2-310.2:1.

Clerk to report final disposition to the Department of Forensic Science

- Reckless Handling of Firearms § 18.2-56.1

If hunting or trapping license is revoked upon conviction of reckless handling of firearms, clerk to send license or notice of revocation to Commission of Game and Inland Fisheries.

- ABC Violations, Bonds § 4.1-349

If good behavior bond not posted during term of court in which conviction rendered, it may be posted later with the clerk.

- Transmission of Sentencing Report § 19.2-310.01

Clerk to transmit sentencing documents for misdemeanor conviction to Director of Department of Corrections within 30 days of request without payment of fee.

- Sentencing Guidelines § 19.2-298.01(A), (E)

Following the entry of final order of conviction and sentence in felony case, Clerk shall forward a copy of such order(s), the original of the discretionary sentencing guidelines worksheets prepared, and a copy of any departure explanation to the Virginia Criminal Sentencing Commission within five days. Sentencing guideline worksheets are open for public inspection.

- Sentence Fixed by Jury § 19.2-298.01(E)

In any case in which a jury has fixed a sentence which is modified or departed from by the court, including suspension of the sentence, the court must file with the case record a written explanation or statement of such modification or departure, including the cause or reasons therefore. Clerk forwards a copy of the written explanation or statement to the Virginia Criminal Sentencing Commission.

- Report Assault and Battery Findings to Military Family Advocacy Representatives § 18.2-57.4

When an active duty member of U.S. Armed Forces is found guilty of assault and battery of a family or household member, clerk must report to family advocacy representative of the appropriate armed services branch.

#### G. FINES AND COSTS

- Compensation of Court-appointed Counsel and compensation that would have been paid in cases using public defenders § 19.2-163, § 19.2-163.4:1

Clerk to docket cost of compensation in judgment docket and execution lien book.

- Enforcement of Restitution § 19.2-305.2

Clerk to docket restitution order when so ordered by court or upon written request of the victim.

- Failure to pay traffic fine § 46.2-383

Clerk to forward abstract of record to Commissioners of the Department of Motor Vehicles within eighteen days (30 days for civil judgments upon request of judgment creditor).

- Remission of Fines § 19.2-366

Clerk to make a certificate of facts proved.

- Interest § 19.2-353.5

No interest shall accrue on costs or fines incurred in a criminal case or traffic infraction for the first 90 days or while on court-ordered installment payment.

- Deferred or Installment Payment § 19.2-355

If defendant unable to read or write, clerk to assist defendant in completing petition for deferred or installment payment of fines and costs.

- Testing of Convicted Prostitutes for AIDS and Hepatitis C § 18.2-346.1

Cost of tests to be taxed as part of cost of such criminal proceedings.

- Payment of Fines by Jailed Person § 53.1-116

Clerk to give receipt for fine paid by jailed person and record receipt of such moneys.

- Testing for AIDS, Hepatitis B and Hepatitis C following arrest for sexual assault § 18.2-62

Costs of such tests to be taxed as part of costs of such proceedings.

- Failure to Pay Traffic Fines and Costs § 46.2-395

specified in notice.

Establish

#### H. FORFEITURE

- Warrant for Seizure § 19.2-372

Clerk to issue warrant to seize property based on a written information.

- Forfeiture § 19.2-143

Clerk to docket abstract of judgment of forfeited recognizances.

- Notice of Forfeiture § 19.2-374; § 1-211.1

Clerk shall issue notice of forfeiture - need only be placed on courthouse door or principal public entrance.

- Commencing Forfeiture Action § 19.2-386.1

Forfeiture action commenced by filing information in clerk's office.

- Seizure of Named Property § 19.2-386.2

Clerk, upon motion, to issue warrant authorizing seizure of property that has not been seized at the time the information is filed. Clerk of court in county or city where property located indexes notice of lis pendens.

■ Notice § 19.2-386.3

Clerk to mail notice of seizure for forfeiture to all owners and lien holders; contents of notice.

■ Bond to Secure Possession § 19.2-386.6

Clerk to have property appraised and prepare written report; clerk to approve security for bond given by owner or lien holder; outlines clerk's duties upon forfeiture.

■ Forfeiture in Drug Cases § 19.2-386.22.

See procedures in Chapter 22.1 (§ 19.2-386.1 et seq.).

■ Vehicles used to convey illegal alcoholic beverages § 4.1-339 et seq.

Clerk to approve security on bond posted by owner who desires to regain possession of vehicle prior to hearing (§ 19.2-377).

■ Forfeiture of Motor Vehicles used in Transporting Stolen Goods or for Prostitution § 19.2-386.16

See **PROCEDURE** in § 4.1-339 (vehicle used to convey illegal alcoholic beverages).

I. GAME AND INLAND FISH

See Section XI: GAME, FISH AND MARINE LAWS

J. DEATH PENALTY

■ Record on Appeal § 17.1-313

Clerk, upon receipt of transcript, shall compile the record and forward it to the Supreme Court within ten days.

■ Change of Execution Date § 53.1-232

When court changes execution date, clerk shall furnish copy of order to Director of Department of Corrections who will make return of same to Clerk.

■ Final Order § 53.1-234

Clerk to send certified copy of final order to Director of Department of Corrections.

■ Death Certificate § 53.1-235

Clerk to file death certificate in case papers.

K. APPEALS

■ Contempt § 18.2-459

Clerk to receive certificate of conviction and recognizance on appeal and forward same to judge.

- Appeals of Final Judgments, Rule 5A:10, Rule 5:13

Clerk shall transmit to the appellate court the record of an appealed case within three (3) months after the entry of judgment appealed from.

L. ALIEN SUSPECTS

- Copies of Case Records § 53.1-219

Upon request of immigration officials, clerk to provide certified copies, in duplicate, of certain records in cases involving convicted aliens.

M. RECORDS

- Virginia Crime Code References § 19.2-390.01

Every criminal warrant, indictment, information, presentment, petition, summons, charging document issued by a magistrate, or dispositional document from a criminal trial which involves a jailable offense shall include the Virginia crime code references for the particular offense or offenses covered.

- Supreme Court Judgments § 19.2-327

Clerk to record judgment of Supreme Court in circuit court criminal law order books.

- Expungement Orders § 19.2-392.2

Clerk to send copy of order of expungement of records to Department of State Police.

Certain expungement orders may be voidable, which requires a clerk to follow established procedures for recreating the court case record.

- Unexecuted Criminal Process § 19.2-76.1

Upon filing of report with unexecuted criminal process attached by Commonwealth's Attorney, the judge may order such process destroyed.

- Central Criminal Records Exchange (CCRE) §§ 19.2-390, 16.1-299, 37.2-1014

Sets forth the information that clerks must report to CCRE and when such reports are required to be made.

- Sex Offender and Crimes Against Minors Registry §§ 19.2-390, 16.1-272, 9.1-909

Clerk to submit a report to the Sex Offender and Crimes Against Minors Registry for certain specified offenses within seven days of conviction; notification to the State Police for removal of an offender's name on court order of relief from registration and re-registration.

- Virginia Criminal Information Network (VCIN) § 19.2-390

Clerk to report when criminal process is destroyed to agency that entered the warrant or capias into the VCIN system.

- Nondisclosure of Crime Victim and/or Witness Related Information § 19.2-11.2

Sets out under what circumstances a crime victim or witness can have specified information withheld from public disclosure.



- Reports of Sheriffs and Jail Superintendents § 53.1-124

Clerk to file reports regarding prisoners; sheriffs and jail superintendents to report semimonthly the number of prisoners awaiting trial.

- Transmittal of orders to CCRE and the Director of Department of Corrections § 19.2-310

Clerk shall transmit to CCRE the report of dispositions required by § 19.2-390. Within 30 days from date of judgment, clerk shall transmit the order of trial and a certified copy of the complete final order to the Director of Department. Clerk may transmit or make the orders available electronically.

- Presentence Reports of Probation Officers § 19.2-299

Clerk to file and seal reports upon entry of sentencing order, to be available only by court order or to certain designated individuals or agencies. (Report kept confidential prior to sentencing.)

- Court Reporters' Notes § 19.2-165

Court reporter to file original shorthand notes or other original records with clerk, who preserves them for not less than ten years, if no appeal was taken, or for not less than five years if an appeal was taken and a transcript was prepared.

## SECTION VIII. DISTRICT COURTS

### A. CIVIL CASES

- Appeals § 16.1-112

Outlines procedures to be followed by clerk on receipt of district court civil appeal.

- Appeal Bonds § 16.1-108

In civil cases appealed from general district court where a sum of money is deposited in lieu of bond with surety, clerk to give receipt for deposit to district court clerk.

- Additional Security; Defect or Error in Bond § 16.1-109

Appellant may be required by circuit court to give new or additional security on appeal for good cause shown. Appellant given notice and opportunity to cure when district or circuit court discovers a defect or error in the bond if attributable to a mistake of the district court. Provisions of § 16.1-109 are applicable to bonds required in cases involving support pursuant to § 16.1-296.

- Mental Commitments § 37.2-821

Specifies how appeals of mental commitments from district court are handled by the clerk.

- Executions § 16.1-116

Sets forth when a clerk may issue an execution on a district court civil judgment.

- Abstracts of Judgments § 16.1-95

After records turned over to circuit court from district court, clerk shall prepare abstracts of district court judgments.

- Destruction of Records §§ 16.1-118, 16.1-118.1

Outlines when civil district court records forwarded to circuit court may be destroyed by the clerk of the circuit court.

#### B. CRIMINAL CASES

■ Constitutionality of a Statute § 16.1-131.1

Specifies procedures in a criminal or traffic case when the constitutionality of a statute is challenged in a court not of record and the case is appealed to circuit court.

■ Appeal, Case Papers § 16.1-135

Papers on appeal to be sent to the clerk within 10 days after noting appeal.

■ Appeal, Court Costs § 16.1-133

Sets forth when clerk is to add court costs in circuit court on appeals from district court that are withdrawn.

■ Unexecuted Criminal Process § 19.2-76.1

Upon filing of list with unexecuted criminal process attached by Commonwealth's Attorney, the judge may order such process destroyed.

■ Processing fee § 16.1-69.48:1(B)

Sets forth the portion of each processing fee collected that is to be paid to various funds, including the Virginia Crime Victim - Witness fund.

#### C. PERSONNEL AND JUDGES

■ District Court Judges § 16.1-69.17

District Court Judges and substitute judges to take oath before circuit judge or clerk.

■ District Court Bonds § 16.1-69.18

Judges, clerks, officers and employees of district court to give bond to clerk of circuit court unless blanket bond obtained.

■ Acting as District Court Clerks § 16.1-69.39

Permits appointment and removal of district court personnel at pleasure of chief judge of district, but statute not applicable if a deputy circuit court clerk is authorized to serve any district court.

■ Acting as District Clerk § 16.1-69.38

Committee on District Courts may authorize clerk or deputy clerk of circuit court in a political subdivision to serve as clerk or deputy clerk of any district courts in the same political subdivision.

#### D. MISCELLANEOUS

■ Records § 8.01-688

Clerks to retain records of predecessors to existing district courts.

- Transfer to or from Juvenile & Domestic Relations District Court § 16.1-245

All papers, documents and evidence shall be transferred with the case.

- Disclosure of Disposition § 16.1-305.1

Clerk to provide written notice to the superintendent of a school district upon the disposition of a juvenile found to be delinquent.

- Suspension of Driver's License for Failure to Pay Fine, § 46.2-395

Clerk to provide written notice of license suspension for failure to pay fines and costs which is effective 15 days from the conviction date unless the overdue fines and costs are paid within the 15 days. Notice is provided at trial or by first class mail. If provided at trial or mailed within five days of conviction, then no other notice is required to make the suspension effective. Clerk to send record of failure/refusal to pay and suspension to DMV Commissioner.

- Unpaid Fines §§ 19.2-305, 19.2-349, 58.1-520

Clerk to report unpaid fines to Commonwealth's Attorney, Department of Taxation, Compensation and judge. The defendant's social security number must be obtained at sentencing. Set-off Debt Collection Act may be used to collect unpaid fees. Commonwealth's Attorney and clerk may agree on a process of collection.

- Judgment Rate of Interest § 6.1-330.54

Judgment rate of interest is six percent annually.

- Fines, Penalties Other Than Fines §§ 19.2-340, 19.2-341

Fines and monetary penalties other than fines prescribed by statute shall constitute a judgment in favor of the Commonwealth, and execution may issue thereon as upon any other monetary judgment.

## SECTION IX. REAL ESTATE

### A. DEED BOOKS

See also COURT RECORDS and also GENERAL CASE PROCEDURES, Judgments.

- Deed Books Contents §§ 17.1-227, 17.1-229, 17.1-227.1

Sets out what shall be recorded and indexed in deed books; all deeds and other instruments to contain names of all grantees and grantors in first clause; attorney or party who prepares or submits instrument has responsibility to remove social security number prior to recordation not the clerk; clerk to index under all names; a cover sheet may be requested by certain jurisdictions within the conditions and restrictions indicated in § 17.1-227.1. Clerk may index based on information listed on cover sheet. Attorney or party who prepares cover sheet is responsible for ensuring the accuracy of the information.

- Deed Contents § 17.1-223

States the mandatory and optional data needed in a deed for the deed to be recorded. The clerk has the authority to reject any writing for filing or recordation unless such writing includes the mandatory data. The attorney or party who prepares the writing shall ensure that the social security number is removed from the writing prior to the instrument being submitted for recordation.

- Deeds made by Representatives, Devisees, or Coparceners § 17.1-249(C)

Deeds made by representatives, devisees, or coparceners to be indexed in the names of the grantors, grantees and former record owner; to be designated in the first clause of the instrument.
- Indexing by Tax Map Reference Numbers § 17.1-252

Permits clerks to index deeds by tax map reference numbers or parcel identification numbers.
- Deed of Assignments for Creditors § 55-156

Deed of assignment for benefit of creditors shall be recorded by clerk.
- Certificate (Highway Condemnation) § 33.1-122

If land covered by certificate is located in 2 or more jurisdictions, clerk to send certified copy to other clerks (all to record in deed books).
- Trusts relating to real estate § 55-17.1

Name and address of any successor trustee shall be recorded with the clerk of the circuit court of the county or city in which deed was recorded.
- Memorandum of lease or options § 55-57.1

Permits recordation of a memorandum of a lease or of an option in lieu of the lease or option.
- Relocation of Easements § 55-50

Owner of land subject to an easement for purposes of ingress and egress may relocate easement by recording in clerk's office a written agreement evidencing consent of all parties affected and new location of easement.
- Reentry by Landlord § 55-245

Circuit court clerks to record in deed books sworn written act of reentry to provide certificate of written act to landlord, to record in book margin that certificate published and proved to clerk's satisfaction (see Code for boilerplate).
- Property of Divorced Persons § 20-107.3

Clerk to index all divisions or transfers of property between parties in appropriate grantor and grantee indexes.
- Septic Tank Permits § 32.1-164

Requires recordation of conditional septic tank permits in land records.
- Pre-need Funeral Contracts § 54.1-2820

Clerk to append contract to deed to be recorded where real estate is consideration for contract.
- Change in Value of Historic Property § 10.1-2207

Easement preserving historic features to be recorded in clerk's office.

- Name Change Order § 8.01-217

Clerk shall record and index change of name in deed book and transmit a certified copy of such order to the Department of Vital Statistics unless otherwise ordered when the case is sealed.

- Decrees Affecting Title § 55-138

Clerks of circuit court which handed down decree affecting title to land shall transmit copies to other clerks in jurisdictions where title affected by decree and such clerks shall record and index such decree in deed books.

- Bankruptcy Orders § 55-141

Certified orders of federal bankruptcy courts are to be admitted to record, filed and indexed by clerk in deed books in the name of the bankrupt.

- Boundary Line Dispute § 8.01-183

Record in deed book the judgment in boundary line disputes.

- Escheators' Bonding Requirements § 55-169

If property in another locality within the appointed judicial circuit escheats to the Commonwealth, the escheator shall give bond within that locality as determined by the clerk of the circuit in the locality.

- Escheat Jury's Verdict § 55-175

Escheat jury's verdict shall be recorded and indexed in the grantor index upon receipt by the clerk.

- Corrected Verdict of Escheated Property § 55-182.1

Clerk shall record corrected verdict of escheated property filed by the escheator.

- Deed Reports § 58.1-3303

Clerks to provide local commissioners of revenue and Department of Taxation with a printed paper copy or electronic transfer of certain recording receipts and lists of lands obtained through condemnation proceedings. Note requirement of grantee's address in § 17.1-223.

## B. DEEDS OF TRUST

See **LIENS** in this Topic.

## C. MAPS AND PLATS

### 1. General

- Recordation § 17.1-236

Specifies recording requirements for maps and plats on microfilm or in books.

- State Highway Plat Book § 17.1-238

Requires keeping of state highway plat book.

- Renaming of Streets § 15.2-2019

Upon receipt of the certified copy of the action from the locality, the clerk will either file the certified copy and note name change on the site plan or subdivision plat affected or record the certified copy.

■ **Boundary Lines § 15.2-3102**

Clerks of appropriate circuit courts shall file, record and index plat of special commissioners settling boundary line disputes between jurisdictions.

■ **Taxation of Omitted Lands § 58.1-3904**

If owner wishes to get omitted lands on tax records, he must file a plat and other information with circuit court clerk.

■ **Wetlands Inventory Maps § 62.1-44.15:01**

State Water Control Board to notify clerk of availability of wetland inventory maps and request that information on availability of these maps and the potential Virginia Water Protection Permit requirements be made available where the land records are kept.

**2. Map**

■ **Official Map Recordation § 15.2-2234**

Official map, after adoption, is to be filed in clerk's office.

■ **Additions to Map § 15.2-2235**

Additions and changes to official map are to be filed in the clerk's office.

■ **Unified Mapping System in Counties, Cities and Towns § 15.2-962**

Governing body may require, develop, maintain, operate and fund unified geographic information system.

■ **Contents of Plats and Plans for Condominiums § 55-79.58**

Sets out required contents of condominium plats and plans; plats to be certified in a recorded document as to accuracy and compliance by licensed land surveyor.

■ **Recordation of Plats and Plans § 55-79.59**

Condominium plats and plans previously recorded pursuant to § 55-79.54(a), (b), and (c) may be used in lieu of new plats and plans subject to certain conditions; validation of condominium instruments for condominiums created prior to 7/1/91.

**3. Subdivisions**

■ **Recordation § 15.2-2264**

Subdivision plats, with or without deeds of dedication attached, must have statement of consent to subdividing attached.

- Approval of Plat § 15.2-2254  
Upon adoption of subdivision ordinances, clerks may record subdivision plats only after proper approval by local government.
- Indexing Plats § 17.1-251  
Sets forth what information is required on subdivision plat.
- Vacation of Plats Prior to Sale of Lot § 15.2-2271  
Clerk to record declaration or ordinance of vacation of plat.
- Vacation of Plat § 15.2-2276  
Specifies how clerk shall show that a subdivision plat was vacated.

#### D. RELEASES

- Full or Partial Release § 55-66.3  
Describes clerk's role and responsibilities in handling certificates of release of deeds of trust and other liens.
- Financial Institution as Collection Agent § 55-66.3:1  
Provides that financial institution, by providing proper affidavit to clerk that it was collection agent of creditor, may release deed of trust or other liens for creditor.
- Certificate of Full or Partial Satisfaction § 55-66.4:1  
Specifies form of certificate of full or partial satisfaction, requires marginal cross-reference on deed of trust except as to procedural microfilm recording and microfilmed records.
- Recordation of Certificate of Satisfaction § 55-66.6  
Clerk to record certificate of satisfaction and index in name of grantors and grantees of instruments released; clerk may be liable for damages for failure to comply. The fee charged by the clerk for recording such release is to be paid by the lien debtor.
- Recordation Tax Fee Appropriation Act of 2010-2012  
Clerk to collect \$20.00 fee on every certificate of satisfaction recorded under § 55-66.6.
- Court Order, Releases § 55-66.5  
Clerk to record certificates of satisfaction or partial satisfaction on order of court to release encumbrances.
- Partial Release § 55-66.4  
Sets forth what clerk is to do to show partial satisfaction or release of lien.
- Power of Appointment § 55-285  
Sets forth clerk's responsibilities regarding releases of powers of appointment.

- Decree for Support and Maintenance as Lien on Real Estate § 8.01-460

Clerk to note release of lien upon receipt of appropriate affidavit.

#### E. ASSIGNMENTS

- Assignment of Debt §§ 55-66.1:1, 55-66.01

Assignments of debts secured by real estate shall be attested by clerk, who shall also record them in the clerk's office of the circuit court where such deed of trust is recorded.

- Deed of Assignments for Creditors § 55-156

Deed of assignment for benefit of creditors shall be recorded by clerk.

- Assignment Trustee § 55-157

Clerk to note name of substitute trustee on deed of assignment and citation to court order book showing substitution.

- Wage Assignment § 55-167

Wage assignment records shall be carefully preserved by clerk.

#### F. ACKNOWLEDGMENTS

- Generally § 55-113

Clerk shall admit to record all documents acknowledged as set forth in this statute. Clerk may take acknowledgments.

- Requirements for Recording § 55-106

Clerk or deputy clerk shall admit to record all writings which have been signed and acknowledged or proved as required by this section.

- Perfection of Lien or Interest in Leases, Rents and Profits § 55-220.1

After recordation pursuant to § 55-106, no further action is required to perfect lien or interest.

- Foreign Acknowledgments § 55-114

Clerk shall admit to record documents acknowledged outside of the U.S.A. by certain individuals.

- Notarial Act, Foreign § 55-118.1

Specifies who can perform notarial acts outside Virginia or documents to be used in Virginia.

- Notarial Acts, Proof of Authority § 55-118.2

Spells out what proof of authority is needed for each type of out-of-state notarization.

- Acknowledgments by Military Officers § 55-114.1



Clerk shall admit to record any writing of soldiers, military employees outside of U.S.A., or other persons subject to Uniform Code of Military Justice.

■ Form, by Military Officers § 55-115

Provides accepted form for acknowledgments taken before military officers.

■ Improperly Acknowledged § 55-111

If document otherwise recordable has not been properly acknowledged and remains in clerk's office for 6 months, clerk of circuit court shall copy the document in a book separate from books for items admitted to record and shall index such book.

## G. LIENS

■ Liens Against Real Estate § 15.2-104

Statement containing name of owner of real estate and unpaid assessment is to be entered in clerk's office where deed is recorded, and indexed by the clerk against the property owner. Clerk to mark the lien satisfied upon evidence of payment. Clerk is entitled to the specified fees for these services.

### 1. Deeds of Trust

■ Trustees' Addresses § 55-58.1

Clerk not to record deed of trust if it does not state full residential or business addresses, including street address and zip code of trustees. All deeds of trusts recorded prior to January 1, 1999 with the residence or business address of the trustees shall be valid if such recordation be otherwise valid according to the law then in force.

■ Multiple Copies § 55-109.1

If presented with multiple copies of mortgage or deed of trust, clerk may record and keep one copy for record, stamping and certifying that tax has been paid and it has been recorded.

■ Statutes of Limitations - Extension of Time § 8.01-241

Certificates for the extension of time for enforcing deeds of trust to be recorded by clerk and indexed in deed index; the form of the certificate is given in § 8.01-241.1.

■ Certificates of Satisfaction § 55-66.4:2

Provides how certificates of satisfaction/partial satisfaction are to be indexed.

### 2. Lien on Offspring

■ Offspring of Bull § 43-43

Requires clerk to record lien on offspring of bull.

■ Offspring of Jackass or Stallion § 43-42

Requires clerk to accept and record lien of offspring of jackass or stallion.

### 3. Mechanic's Lien

- Contractor's Memorandum of Lien §§ 43-3, 43-4

Memorandum of mechanic's lien and attached certification of mailing, if needed, to be filed and recorded in clerk's office of jurisdiction where property located.

- Subcontractor's Memorandum of Lien § 43-7

Subcontractor's memorandum of mechanic's lien to be filed in clerk's office.

- Subcontractor - Labor § 43-9

Subcontractor providing labor shall file memorandum of mechanic's lien with clerk.

- Transportation and Mining Outfits § 43-25

Liens for labor and materials against transportation and mining outfits treated same as in § 43-4.

- Recordation and Indexing § 43-4

Clerk to record mechanic's lien and index it in name of owner and claimant.

- Recordation and Indexing § 43-4.1

Memoranda or notices of liens to be filed in miscellaneous lien book or deed book and indexed in deed index.

- Release of Mechanic's Lien § 43-68

Clerk to release certain mechanics liens by order of court.

### 4. Taxes

- Federal Tax Liens §§ 55-142.1, 55-142.3, 55-142.4

Clerk to file notices of liens affecting real property and certain personal property; clerk to endorse and record receipt time and index federal tax lien; fees set out.

- State Tax Liens §§ 58.1-1805, 58.1-2021

Memoranda of tax liens to be filed and indexed as a judgment by clerk.

- State Tax - Jeopardy Assessment Lien § 58.1-314

Clerk to record notice of jeopardy assessment lien as a judgment is required to be recorded and indexed.

- State Tax - Memorandum of Lien § 58.1-313

Memorandum of lien may be filed for delinquent income taxes only within 6 years after assessment.

- Judgment for Commonwealth, Sale Bond § 8.01-206

Purchaser at sale on execution of Commonwealth judgment shall give purchase bond, on which the clerk endorses the date of return to clerk's office.

■ Property Improperly Placed on Delinquent Land Books § 58.1-3971

If property improperly placed on delinquent land books is sold, governing body shall reimburse court or appropriate party for costs and fees.

**5. Uniform Commercial Code**

■ Financing Statement Filing Location § 8.9A-501

Financing statements for secured transactions for fixture filings associated with real property and extracted goods or timber only to be filed in circuit court clerks' office. All other financing statements to be filed in the office of the State Corporation Commission.

■ Filing of Secured Transaction Documents § 8.9A-519

Provides the duties of the filing office under Uniform Commercial Code (UCC).

■ Maintenance and Destruction of Secured Transaction Documents § 8.9A-522

Provides procedures for the maintenance and destruction of statements for secured transactions under the Uniform Commercial Code.

**6. Other Provisions**

■ Discharge of Lien for Public Finance Bonds § 15.2-2605

Clerk to mark lien arising out of bond project satisfied.

■ Recording and Indexing of Liens §§ 17.1-229, 43-4.1

Requires liens not recorded elsewhere to be recorded in the deed books and indexed in the general index (deleted by amendment in 1985 Acts. ch. 392).

■ Federal Farm Loan Mortgage § 17.1-235

Federal farm loan mortgage book is required if such mortgages are not recorded in deed book.

■ Lis Pendens § 8.01-268

Sets forth how clerk shall admit, record and index memoranda of lis pendens or attachment.

■ Lis Pendens, dismissal or settlement § 8.01-269.

Sets out clerk's duties when lis pendens is dismissed or settled.

■ Property Owner's Associations § 55-344

Clerk to record and index memorandum of lien for unpaid assessments; costs of recording set out in § 17.1-275(A)(2).

■ Time Share Estate Owners Association § 55-370

States how memorandum of lien in favor of a time share owners association shall be recorded and indexed.

■ Lien for Assessments § 55-516

Clerk to record and index memorandum of lien for special assessments in deed books.

■ Support Lien § 63.2-1927

Support lien has the effect of a secured lien at the time of filing with the clerk.

■ Tax Payment Agreement § 58.1-3018

Third-party tax agreements which has as its subject, in whole or in part, real property taxes recorded with land records and released by certificate of release. Clerk may charge recordation fee.

■ Mental Patients § 37.2-721

Clerk where deceased patient had property shall record as a lien the notice of unpaid charges incurred by a mental health patient.

■ Purchase Money Lien - Extension of Time for Enforcement § 8.01-242

Clerk to index certificate of extension of limitation of right to enforce deed of trust or mortgage in deed book.

■ Sanitary District Liens § 21-118.4(e)

Clerk to record unpaid sanitary district charges in judgment lien book. The recordation fee is specified.

■ Mining, Civil Penalties § 45.1-246

Clerk to record as judgment a copy of final order of fines assessment for mining violations.

■ Lien for Charges § 15.2-5139

Clerk to enter lien for charges by authority on owner of real estate and mark lien satisfied upon presentation of certificates. Clerks fees are specified.

■ Crops - Lien for Advances § 43-29

Debtor can cause clerk to issue summons to lien creditor to make him prove that money was advanced to purchase things necessary to raise a crop.

■ Fire Insurance Lien § 43-66

Clerk to hold lien book kept by Virginia Mutual Assurance Society Against Fire as lien on local property insured by Society.

■ Commercial Broker's Lien § 55-518

Memorandum of broker's lien to be filed and recorded in clerk's office of jurisdiction where property located.

■ Condominiums - Judgment Lien § 55-79.80:1

Judgment for money against owners' association shall be a lien against any property owned by the association and against each unit proportionally; provision for release.

■ Condominiums - Lien for Assessments § 55-79.84

Clerk to record owners association memorandum lien for unpaid assessments in miscellaneous lien book or deed book and index in general index for deeds; once satisfied, lien to be released in accordance with § 55-66.3.

- Release of Lien  
See **RELEASES** in this Topic.

H. WRITINGS ADMITTED TO RECORD

■ Type Size on Documents § 55-108

Provides standards for documents to be recorded.

■ Writings Partially Proved § 17.1-234

Clerk to keep separate book for recording documents only partially proved.

■ Priority of Writings § 55-101

Establishes which of two or more documents filed on same day at same time has priority.  
See also **GENERAL RECORDING PROVISIONS** and **ACKNOWLEDGEMENTS** in this topic.

I. BOUNDARY LINES

■ Recordation of Order § 8.01-183

Record in deed book effect of judgment in boundary line disputes.

■ Minor Boundary Adjustments §§ 15.2-3107, 15.2-3108 and 15.2-3109

Specifies clerk's recordation and certification duties in petitions to make minor boundary adjustments among political jurisdictions.

J. FEDERAL GOVERNMENT

■ Land From Federal Government § 1-408

Clerk to record and index notice of relinquishment of federal jurisdiction over property.

■ Land to Federal Government § 1-403

Governor can convey certain state land surrounded by federal government land to federal government metes and bounds descriptions must be filed with clerk.

K. MENTAL PATIENTS

■ Capacity Findings § 37.2-1014

Clerk to record and index in deed book a copy of findings of incapacity or restoration of capacity and shall notify the Commissioner of Behavioral Health and Developmental Services, Commissioner of

Accounts, Department of Social Services, Board of Elections, and the central criminal records exchange.

■ Deceased Mental Patients § 37.2-721

Clerk where deceased patient had property shall record as a lien the notice of unpaid charges incurred by a mental health patient.

L. SANITARY DISTRICTS

■ Bonds § 21-126

Challenge to election on sanitary district bonds to be filed with clerk.

■ Liens § 21-118.4(e)

Clerk to record unpaid sanitary district charges in judgment lien book. The recordation fee is specified.

M. DRAINAGE PROJECTS

**1. Case Initiation**

■ Jurisdiction § 21-306

Jurisdiction on multi-county drainage is in clerk's office of circuit court of any jurisdiction covered by project and petition may be filed in any such clerk's office.

■ Petition § 21-295

Petition for drainage project to be filed with clerk; clerk to approve bond and issue summons to other affected landowners.

■ Filing of Copies of Petition § 21-311

Certified copies of petitions to be filed with the clerk of each circuit court whose jurisdiction is affected by the petition.

■ Payment of Costs § 21-343

If court ordered costs not paid within 30 days, order shall be recorded as a lien by clerk after ten days notice by clerk.

**2. Notices**

■ Notice to Viewers of Appointment § 21-299

Clerk to mail notice of appointment to members of board of viewers and requesting board to proceed without delay.

■ Tile Drainage System § 21-305

Clerk to notify district engineer when petition requesting use of drain tiles is filed.

■ Notice to Railroads § 21-362

Clerk to serve notice on railroads of time and place of final report of viewers.

- Notice of Anticipated Deficiencies § 21-405

Treasurer to project to give notice to clerk of deficiency anticipated in annual assessments.

### 3. Records

- Drainage Record Book § 21-346

Requires clerk of circuit court in which drainage petition was first filed to maintain a drainage record book.

- Assessment Rolls § 21-373

Clerk to file one copy of drainage tax list (assessment rolls) in drainage book and to append order to other copy to county treasurer directing collection of assessments.

### 4. Reports

- Board of Viewers, Preliminary Report § 21-312

Board of viewers to return to clerk a preliminary report of project plan.

- Cost of Project § 21-366

Board of viewers to certify to clerk the total cost of project; clerk to record in drainage record.

### 5. Drainage Tax Deeds

- Type of Deed § 21-387

Clerk to convey land sold for delinquent drainage taxes by special warrant after collecting fees.

- Execution of Deed § 21-392

Clerk to join in execution of delinquent tax deed (drainage tax arrearages).

## N. LOST DOCUMENTS

- Lost Document § 55-109

Where original document recorded elsewhere and lost prior to recording in another clerk's office, clerk may record certified copy.

- West Virginia Documents § 55-110

Provides for recording of certain West Virginia copies of lost documents by clerks.

## O. MISCELLANEOUS

- Non-resident Landlord, Registered Agent § 55-218.1

Name and address of non-resident landlord's registered agent to be recorded in fictitious name book; a \$10.00 fee may be collected.

■ Escheat Verdict § 55-175

Escheat to return verdict to clerk's office within 10 days; clerk to record verdict in grantor index and provide copy of same to commissioner of revenue and local treasurer within 10 days.

■ Clerk's Fee for Escheat § 55-186

Escheator to collect clerk's fee in addition to purchase price; fee to be forwarded to Treasurer and then to clerk together with grants for recordation. Clerk to forward grants to escheator; grants exempt from recording taxes.

■ Vacation of Interests in Land § 15.2-2270

Clerk to record instrument describing interest in property to be vacated; alternatively, ordinance of vacation may be recorded.

■ Removal of Escheated Parcels from Certificate § 55-182.1

Clerk to record any corrected escheat verdict in appropriate deed book.

■ Time in which to Contest Assessments § 15.2-717

Aggrieved persons to apply for relief within one year from December 31st of the year in which the assessment is made; application deemed before the court when filed in the clerk's office.

■ Fee for Certain Vacations and Abandonments § 15.2-743

County operating under county manager plan, may charge a fee for processing applications for vacations, applications for encroachments, and petitions for abandonments, such fee to be either the amount provided in § 15.2-2273 or the county's costs. In lieu of fee, county may require submission of title examination and appraisal.

■ Appointment of Substitute Trustee §§ 55-59; 26-49

The instrument of appointment is to be recorded in the clerk's office where the original deed of trust is recorded.

## SECTION X. CORPORATIONS AND LIMITED PARTNERSHIPS

### A. ASSUMED NAME

■ Fictitious Name Certificate § 59.1-69

Person, corporation or partnership must file a fictitious name certificate with clerk when using a fictitious name.

■ When Certificate Filing Required § 59.1-70

Limited partnership, foreign limited partnership, or corporation, when adopting or dropping an assumed name, must file a certificate attested by the clerk of the court where the assumed name certificate is on file; clerk to attest release certificate before the entity which ceases doing business under an assumed name files it with the SCC.



- Recordation § 59.1-74

Fictitious name certificate to be recorded in alphabetical order in a special book; clerk to receive \$10.00 for filing and recording same.

B. GENERAL

- Limited Liability Company Merger or Name Change Conversion § 13.1-1067

Clerk to record certificate issued by State Corporation Commission and charge fee.

- Cooperative Association Contracts § 13.1-330

Clerk to record cooperative association contracts in contract book provided by association and collect set fees.

C. DISSOLUTION

1. Voluntary

- Public Service Corporation § 56-13

Upon dissolution of a public service corporation and if service by publication is required, clerk shall designate where to publish if no newspaper printed in county or city.

2. Involuntary

- Recordation (Non-Stock) § 13.1-911

If court decrees corporation dissolved, clerk to deliver certified copy of decree to SCC.

D. LIQUIDATION

- State Corporation Commission Judgments § 12.1-37

Clerks shall record and index State Corporation Commission judgments on judgment lien docket.

## SECTION XI. GAME, FISH AND MARINE LAWS

A. CRIMINAL LAW

- Reckless Handling of a Firearm While Hunting § 18.2-56.1(c)

Requires clerk to notify Commission of Game and Inland Fisheries of revocation of hunting or trapping licenses or privilege to hunt and trap and the length of revocation if defendant is convicted of reckless handling of a firearm while hunting or trapping or later hunts or traps while possessing firearms during the revocation period.

B. LICENSES AND PERMITS

- Types sold § 29.1-323

Clerks shall issue hunting, trapping and fishing licenses. Clerk may send written request to Board of Game and Inland Fisheries to be relieved of this duty.

■ City or County Issuance § 29.1-323

City circuit court clerks shall issue state and city residence licenses as well as county licenses for adjoining jurisdictions. County circuit court clerks shall issue state licenses and county licenses for their respective counties.

■ Applicant's Evidence § 29.1-325

Clerk shall require an applicant to provide evidence that he is entitled to a game license.

■ Penalty for Hunting, Trapping and Fishing Without a License

Violator to pay a fee equal to the license fee to the clerk who will pay it into the State Treasury, crediting the game protection fund.

■ Exemptions from License Requirements § 29.1-301

Sets forth certain persons who are not required to obtain hunting, trapping or fishing licenses.

■ Youth Resident Combination Hunting License § 29.1-303.3

Sets forth scope of this combination license which may be obtained by any resident under the age of sixteen. Also sets forth the license fee.

■ Junior Lifetime Hunting License § 29.1-302.1

Special licenses for those under twelve that can be converted into a lifetime hunting license at time of expiration for no additional fee upon proof of completion of a hunter education course.

■ Special Game Licenses § 29.1-305

Special licenses for hunting bear, turkey and deer to be obtained from agent or clerk who shall collect the appropriate license fee.

■ Bonus Deer Permits § 29.1-305.1

Clerks who sell hunting licenses shall sell bonus deer permits and shall be entitled to the fee prescribed in § 29.1-332.

■ Special Muzzleloading License § 29.1-307

Special license to hunt with muzzleloader to be obtained from clerk who shall collect appropriate license fee.

■ Hunting Blind § 29.1-348

Applications for hunting blind licenses to be made to clerk; clerk to issue metal license plate with blind license.

■ Unsold Licenses § 29.1-330

Clerks to return unused annually expiring licensing materials, stubs and unsold game and fish licenses within 10 days after the end of each license year.

- Authentication of Licenses § 29.1-331

All licenses shall be authenticated by the clerk's signature or in such manner as prescribed by the Director.

- Fee Receipts § 29.1-332

Sets forth procedures for forwarding funds to state and fees to which clerk is entitled. Sets forth special procedures for telephone or electronic media sales of licenses.

- Reports to Director § 29.1-333

Report requirements when remitting receipts, and penalty for failure to file report and to remit receipts within required period. Special procedures for reports and remittances for telephone or electronic sales.

- License Certificates § 29.1-334

Procedure for issuing a license certificate for lost or destroyed licenses issued by other than electronic means or a temporary license.

- Special Guest Fishing Licenses § 29.1-302.3

Provides for special fishing license for owner or lessee of land bordering inland water adjacent to North Carolina. License not transferable.

#### C. GAME PROTECTION FUND

- Motorboat and Water Safety Fund of the Game Protection Fund § 29.1-735.2

Establishes \$100 civil penalty for a violation, for deposit in the fund upon assessment.

## SECTION XII. FIDUCIARIES, RECEIVERS AND ESTATES

### A. APPOINTMENT AND QUALIFICATION OF FIDUCIARIES

#### 1. Generally

- Forms for Qualification as Fiduciary § 26-1.2

Persons seeking to qualify as fiduciary must provide required information on form provided by the clerk. Fiduciary must inform clerk of new address within 30 days if he moves from Virginia and becomes resident of another state.

- Trust Companies and Banks § 6.1-17 (Repealed, effective October 1, 2010)

Specifies when trust companies and banks may be appointed as fiduciaries by clerk and content of order if guardian, conservator or committee of person is so desired.

- Substitution of Trust or Bank Subsidiary (Bank Holding Company) § 6.1-32.9 (Repealed, effective October 1, 2010)

Clerk to file and index certified copies of orders for substitution of bank holding company's trust or bank subsidiary in the records with other substitute fiduciaries.

- Savings and Loan Trust Powers Act § 6.1-195.82 (Repealed, effective October 1, 2010)

Specifies when a savings and loan association acting in a fiduciary capacity may not be required to give security for certain bonds.

- When Security Not Required §§ 6.1-18, 26-4 (Repealed, effective October 1, 2010)

Clerk shall render a bill to bank or trust company in lieu of collecting fees and probate taxes. When the amount possessed by the fiduciary does not exceed \$15,000.00, the clerk may allow the fiduciary to qualify by giving bond without surety.

- New Bond § 26-3

Clerk to receive new bond or additional bond from fiduciary if court orders such new bond. The new or additional bond shall have the effect provided by § 49-14. When the court or clerk orders a new bond, additional bond, or a reduction in bond, the court or clerk shall, in lieu of requiring a personal appearance by the fiduciary for the execution thereof, allow the fiduciary's execution to be made by the fiduciary's agent under a power of attorney expressly authorizing the same.

- Estates up to \$15,000.00 § 26-12.3

If estate does not exceed \$15,000.00, clerk shall waive inventory, settlement, and payment of tax or court cost upon qualification of personal representative. This section does not apply when the person seeking qualification would have power of sale over real estate owned by the decedent.

- Non Resident Fiduciaries § 26-59

Clerk to obtain written consent to service of process or designation of resident agent for service at time of qualification or non-resident fiduciary.

## 2. Decedent's Estate

- Probate Notice Affidavit § 64.1-122.2

Clerk to record affidavit of personal representative or proponent of will regarding notice of probate qualification and entitlement to estate filings.

- Personal Administrator With Will Annexed § 64.1-116

Defines when and to whom clerk may grant administration with will annexed.

- Personal Administrator, Intestate Decedent § 64.1-118

Clerk to grant letters of administration in case of an individual dying intestate. Outlines order of preference for grant within designated time periods, hearing requirements, and qualifications for an individual's eligibility for appointment as administrator of estate.

- Oath and Bond § 64.1-119

Clerk shall take oath and bond of administrator.

- Personal Representative, Letters of Administration § 64.1-122

Clerk shall grant letters of administration in due form if requested by personal representation.

- When Security Not Required § 64.1-121

Sets forth when clerk may not require security on bond of executor or administrator.

- Nonresident Decedent § 64.1-75.1

Clerk may appoint administrator solely for purpose of prosecuting personal injury or wrongful death suit on behalf of a decedent's estate when an executor has not been appointed.

- Curator § 64.1-93

Clerk may appoint curator of estate during an estate contest or under certain other conditions.

### 3. Guardian

- Appointment of Guardian ad litem §§ 8.01-9 and 31-5

Clerk may appoint guardian ad litem for persons under a disability; the clerk may appoint a guardian for a minor, and in some circumstances also may nominate the guardian.

- Appointment of Temporary Guardian § 31-7

Clerk may appoint a temporary guardian under certain circumstances. A bond will be required.

- Guardian's Bond §§ 31-6 and 31-6.1

Clerk to require bond of guardian qualifying before him in an amount equal to value of minor's estate. Surety on the bond must be given; however, at any time surety may be required as indicated. On the guardian's request, the clerk shall redetermine the penalty of the bond in light of the factors listed; redetermination shall not apply to any bond set by the court.

- Jurisdiction of Appointments § 31-4

Permits clerk to appoint guardian for the estate of a minor (whether he resides in the county or city or resides out of state and has an estate in Virginia) and for the person of the minor.

- Qualification of Limited Guardian or Conservator § 37.2-1011

Sets forth procedure for qualification of guardian or conservator. Upon qualification, Clerk shall issue to guardian or conservator a certificate, with a copy of the order appended. Clerk shall record the order in the same manner as a power of attorney would be recorded and provide a copy to the commissioner of accounts. If the order appoints a guardian, Clerk shall promptly forward a copy of the order to the local department of social services where the respondent then resides. Clerk of court in jurisdiction where respondent owns real property to record order appointing conservator with power to sell real estate.

- Filing of Annual Reports by Guardians § 37.2-1021

Annual reports by guardians are to be filed by the local social services department with the clerk for placement with the court papers pertaining to the guardianship case. Social Services Department files list of guardians more than 90 days delinquent in filing reports with clerk..

- Findings of Incapacity or Restoration § 37.2-1014

Clerk to index findings of incapacity or restoration as provided. If a guardianship is terminated or modified, Clerk shall forward a copy of the court order to the local department of social services to which the original appointment was forwarded and to the local department where the person then resides. Clerk to certify copy of order finding incapacity or restoring capacity to Central Criminal Records Exchange.

#### 4. Incompetent's Estate

- Qualification of Fiduciaries § 37.2-1019

Clerk to set bond, pass on sufficiency of surety and to take bond of fiduciary appointed under Title 37.2, Chapter 10.

- Suit to Appoint Fiduciary § 37.2-1029

In suit over appointment of fiduciary for state mental hospital patient, clerk shall send notice of suit to Department of Behavioral Health and Developmental Services and notify Commissioner of pending suit.

#### 5. Trustee

- Trustee's Bond and Qualification §§ 26-1 & 26-1.1

Trustee to give bond to clerk as required by judge and otherwise qualify before clerk.

- General Provisions § 26-46.1

Clerk may qualify trustee named in instrument and take bond. Clerk may also appoint certain trustees.

- Bond § 26-46.2

States that trustees named in a will must post bond unless specified exceptions apply.

- Appointment of Substitute Trustee § 26-50

Clerk to receive notice of motion to appoint substitute trustee and appoint guardian ad litem for any party under 18 years old.

- Substitute Trustee Filing § 6.1-32.9 (Repealed, effective October 1, 2010)

Court order or copy of same permitting substitution of trust subsidiary or subsidiary bank under common ownership as fiduciary must be filed with the clerk of any circuit court in state.

#### B. COMMISSIONER OF ACCOUNTS

- Fiduciaries Information § 26-9

Clerks to furnish certain information about fiduciaries to commissioner of accounts.

#### C. RECEIVERS

- Blanket Bond for Moneys Under Court Control § 2.2-1841

Clerks and general receivers to be covered by blanket surety for faithful discharge of duty with respect to public deposit moneys under §§ 8.01-582 and 8.01-600.

■ Liability of Receivers § 8.01-587

General receiver to be liable for any loss of income from certain specified failures; receiver to be charged with interest from date of court order.

■ Bonds § 8.01-588

General receiver to give bond with surety sufficient to cover probable amount under his control; to apply to clerk if appointed general receiver.

■ Obtaining Bonds § 8.01-588.1

General receiver to obtain bond from Division of Risk Management and report to Division of Risk Management the amount under his control for the current year and the amount anticipated to be under his control in the following year.

■ Compensation § 8.01-589

Circuit court clerk serving as general receiver may receive additional compensation for services; shall report bonds and make reports.

■ Money Under Court Control § 8.01-600

Outlines clerk's duties when court orders money to be held by clerk; provisions of section not applicable under certain circumstances; all deposits to be secured in accordance with Virginia Security for Public Deposits Act (§ 2.2-4400 et seq.); moneys to be invested in certificates of deposit or time deposits; provides for interest, liability for loss, and accounting.

■ Unknown Owner of Money Under Court Control §§ 8.01-602, 55-210.9:2, 55-210.12, 55-210.14

Clerk to identify money which has remained payable or distributable for one year and to petition court to remit same to State Treasurer.

■ General Receiver Appointment § 8.01-582

Circuit court may appoint general receiver, who may be the clerk of the court, to handle all moneys paid into court; moneys shall be deemed public deposits as set forth in Chapter 44 (§ 2.2-4400 et seq.) of Title 2.2; moneys to be invested in certificates of deposit or time deposits; section not applicable under certain circumstances.

■ How Accounts Kept by Receivers § 8.01-585

Clerk to file accounting funds kept by the general receiver, keep a record of money received as specified by statute. General receiver to report to court annually.

■ Payments Through Court of Small Amounts § 8.01-606

Permits payment of amounts up to \$15,000.00 to payee or some other competent person for benefit of payee without using a fiduciary, or fiduciary may do the same without further accounting; clerk to obtain receipt from recipient and enter and index receipt in fiduciary accounts records.

■ Deposit of Funds § 58.1-3177

Clerk to handle all moneys paid into court; moneys to be secured in accordance with Va. Code § 2.2-4400 et seq.; acceptable deposits; interest; liability for loss.

#### D. ESTATE TAXES

- Local Tax §§ 58.1-1718, 58.1-3805 to 58.1-3808

Permits localities to impose local estate taxes and how clerk is to handle such collections.

- Undervalued Estate § 58.1-1717

Clerk to collect additional tax where in excess of \$25.00 is owed.

- State Tax § 58.1-1712

State estate tax to be collected by clerk on estates with value greater than \$15,000.

- Waiver of Tax for Certain Estates § 26-12.3

Clerk shall waive inventory and settlement under the following conditions: (i) personal estate does not exceed \$15,000 in value; (ii) person seeking qualification will not have power of sale over real estate, and (iii) person seeking qualification is an heir, beneficiary, or creditor whose claim exceeds the value of the estate seeks qualification.

- Tax in Lieu of Probate Tax § 58.1-1717.1

Clerk to charge \$25.00 fee on recordation of List of Heirs or Real Estate Affidavit unless a will has been probated or there has been a grant of administration.

#### E. FIDUCIARY RECORDS

- Disposition of Records § 26-37

Informs clerk how and to whom fiduciary records may be returned or destroyed after recordation.

#### F. FIDUCIARY ACCOUNTS

- Settlement of Accounts § 26-17.3

Clerk to provide forms for accounts for use by fiduciaries in submitting the accounts to the commissioner of accounts.

- Certification and Recordation § 26-21

Describes duties of clerk regarding certification and recordation of fiduciary accounts settled in a judicial proceeding.

#### G. FIDUCIARY REPORTS

- Inventory § 26-12.1

Clerk to provide inventory form as prescribed by statute.

- Inventories § 26-14



Clerk to record inventories returned by fiduciaries to commissioners of accounts when delivered to clerk.

■ Recording § 26-35

Clerk to record confirmed reports of Commissioner of Accounts in will or fiduciary accounts book.

■ Reports of Settlements § 8.01-619

Clerk to index and record approved reports of commissioners and receivers in fiduciary book.

H. WILL BOOK

■ Will Book § 17.1-231

Sets forth procedures as to what shall be recorded in will book.

■ Wills Admitted to Probate § 64.1-94

Clerk to record, index and retain all wills admitted to probate.

■ List of Heirs § 64.1-134

Clerk shall record and index list of heirs, and additional list of heirs, in will book.

■ Real Property of Intestate Decedent § 64.1-135

Clerk shall file and index in will book an affidavit relating to real estate of intestate decedents prepared by anyone having an interest in it and shall forward a copy of the affidavit to the commissioner of revenue.

■ Inventory § 26-12.1

Clerk to provide inventory form as prescribed by statute.

■ Inventories § 26-16

Clerk to record and index inventories and accounts of sales in will book. Clerk liable for failure to give required notice.

I. JUDICIAL SALES

■ Bond and Notice § 8.01-103

Spells out bond provisions and notice to purchaser requirements when someone other than the special commissioner is to receive payment by purchaser or lessee. Clerk liable for failure to give required notice.

■ Bond § 8.01-96

Upon appointment, special commissioners to post bond with clerk or judge, to have approved surety in amount approved by court.

■ False Bond Certificate § 8.01-100

Clerk liable to injured party for making false bond certificate.

■ Special Commissioner's Bond § 8.01-99

Before advertising a sale, special commissioner must post bond and obtain certificate from clerk that bond was posted (unless judge dispenses with bond requirement). Clerk to make certificate and note that bond was posted in case file.

■ Tax Sale, Proration § 8.01-98

If proceeds insufficient to satisfy all liens of taxes, levies and assessments, clerk to receive certified decree allocating proceeds and mark such liens satisfied on list of delinquent lands even if not paid in full.

J. PROBATE

■ No Administrator Qualified § 64.1-131

Clerk on motion of any person, may order any person of the county or city to administer estate where no administrator or executor qualified within two months of decedent's death, with certain exceptions.

■ Seven Years Absence § 64.1-107

Bars clerk from admitting will to probate or granting administration to an estate of a person presumed dead solely due to 7 years absence.

■ Admission to Probate § 64.1-77

Clerk or his deputy may perform certain acts in connection with probate of an estate and shall record such orders in a clerk's order book.

■ Admission to Probate Suit § 64.1-79

Clerk shall, if requested by an interested party, issue process to summon others to show cause why a will should not be admitted to probate.

■ Duties of Executor or Administrator of Estate § 64.1-122.1

Clerk to deliver statutorily prescribed statement of responsibilities of executor or administrator of estate.

■ Bond of Executor or Administrator § 64.1-120

Every bond of an executor or administrator shall at least equal the full value of the deceased's personal estate which is to be administered, except as provided for in the statute.

■ Distribution of Estate, Bond § 64.1-177

Personal representative not required to distribute estate prior to six (6) months after qualification. If executor is ordered to make payment to fiduciary, clerk to file and record beneficiary's bond.

■ Continuation of Powers § 64.1-128

After distribution of estate except for securities, stock and evidence of indebtedness, petition may be filed with clerk who shall issue a certificate stating that personal representative's powers continue in full force and effect.

- Appeal § 64.1-78

Any interested person may appeal clerk's order of probate; clerk shall file an order allowing appeal and enter on docket for trial.

#### K. SERVICE OF PROCESS

- Probate § 64.1-79

Clerk shall, if requested by an interested party, issue process to summon others to show cause why a will should not be admitted to probate.

- Substitute Service on Fiduciaries § 26-7.2

Clerk shall mail process by certified, registered mail or overnight delivery to fiduciary when served on clerk as agent for service of process.

- Non-resident Fiduciaries §§ 8.01-313, 8.01-316, 26-59

Specifies how process is to be served when a non-resident fiduciary is a party.

- Attorney for Service of Process § 26-7.1

States when clerk shall be attorney for service of process for fiduciaries and non-resident trustees.

#### L. TRUSTS

- Appointment of Trustee

See APPOINTMENT AND QUALIFICATION OF FIDUCIARIES in this topic.

- Devise or Bequest to Nonresident Trustee of an Established Trust § 64.1-73

Nonresident trustee to file written consent to service of process or notice by service on a resident of the Commonwealth, or on the Clerk of the Court in which he is qualified. Bond with surety required for qualification of nonresident trustee.

#### M. MISCELLANEOUS

- Fiduciaries § 26-18

States clerk's responsibilities when fiduciaries fail to file accounts.

- How Will May Be Self-proved §§ 64.1-87.1 and 64.1-87.2

Acknowledgment of execution may be made before any person authorized to perform notarial acts in the place where the act is performed; content of certificate to be attached is set out.

- Out-of-State Wills § 64.1-92

Permits clerk to admit certain wills proved out-of-state, including self-proved wills, for local probate purposes.

- Wills of Living Persons § 64.1-56

Sets forth how clerk may keep will of living persons and fees to be collected. Judge must authorize use of clerk's office for this purpose.

- Safe-Deposit Box Access § 6.1-332.1 (Repealed, effective October 1, 2010)

Clerk may have access to the safe-deposit box of a decedent, or otherwise incapable individual, under certain circumstances to look for a will or other testamentary document.

### SECTION XIII. BONDS AND OATHS OF OFFICE

#### A. GENERAL PROVISIONS

- Blanket Bond for Certain Governmental Personnel §§ 2.2-1840; 2.2-1841

Clerks are covered by Division of Risk Management blanket surety bond for state employees, certain local employees, and constitutional officers.

- Oaths § 17.1-217

Clerk to administer oaths when an affidavit is necessary or proper for an official act.

- Oaths § 49-3

When and to whom clerk may administer oaths.

- Administering Oaths and Affidavits § 49-4

States when clerk or deputy clerk may administer oaths and take affidavits.

- Record of Qualification § 15.2-1523

Judge or clerk fills out qualification papers, clerk enters them in order book.

- Preparing Bonds § 17.1-219

Clerk to prepare bonds taken by or given before clerk, judge or court.

- Bond Book § 17.1-230

Sets forth which bonds shall be recorded in bond book.

- Clerk's Bond §§ 15.2-1527 & 15.2-1528

Clerk to give penalty bond at time of qualification.

- Bonds, Recordation § 49-12

Bonds required to be taken or approved by clerk shall be proved and acknowledged before the clerk and recorded by the clerk.

- Endorsement § 8.01-209

Clerk to endorse bond for purchase money to have force of judgment.

#### B. ELECTIONS

**C. LOCAL OFFICIALS AND EMPLOYEES****1. Oath and Qualification**■ **Qualifying Local Officers § 15.2-1522**

Locally elected officials to qualify before judge or clerk of circuit court. Members of governing bodies and elected school boards may qualify up to, and including, the day of the initial meeting of the new governing body or elected school board. Clerk to record oaths of members of County Board of Supervisors in order book.

■ **Qualification, City Officers § 15.2-3821**

All other city officers shall qualify before judge or clerk of circuit court.

■ **Commissioner of Revenue § 15.2-3817**

If no commissioner of revenue when city created, judge of circuit court appoints one, who qualifies before judge or clerk of circuit court.

■ **Oath of Superintendent § 22.1-64**

Superintendent of school division to take oath, clerk to send certificate to Superintendent of Public Instructors.

■ **School Boards, Oaths § 22.1-31**

Clerk to take oath of school board member and record qualifications in record book.

■ **Deputies of Constitutional Officers § 15.2-1603**

Requires recordation of appointment of deputies of certain officers in order book, clerk to file and preserve oaths of office.

**2. Bonds**■ **Officers § 15.2-1527**

Certain officials to post bond when he qualifies, clerk sets bonds within statutory limits.

■ **Penalties § 15.2-1528**

Clerk's bond conditions spelled out.

■ **Bond Plan § 15.2-1533**

Clerk to receive copy of bond plan from Division of Risk Management of the Department of Treasury.

■ **County Governing Board § 24.2-229**

Person filling vacancy on county governing body to qualify and give bond to clerk.

**D. STATE OFFICIALS AND EMPLOYEES**

- District Court § 16.1-69.18

Judges, clerks, officers and employees of district court to give bond to clerk of circuit court unless blanket bond obtained (blanket bond has been obtained).

- Magistrates § 19.2-39

Magistrates to enter into bond before clerk unless blanket bond is in effect (blanket bond has been obtained).

- Forest Wardens § 10.1-1135

Forest wardens to take oath of office before clerk in jurisdiction where warden lives.

- Marine Police § 28.2-106

Officers of the Virginia Marine Police to qualify before local circuit court clerk where the inspector resides.

#### E. CONSERVATORS OF THE PEACE

- Special Conservator § 19.2-13

Persons appointed as special conservators of the peace shall be required to give a bond with approved security to the circuit court clerk. The section sets forth several categories of persons exempted from requirement. This section also authorizes the court to limit or prohibit the carrying of weapons by any special conservator of the peace, initially appointed on or after July 1, 1996.

- Non-Resident Conservator § 19.2-15

Non-resident conservator appointed under § 19.2-13 whose jurisdiction is limited to an airport permitted, if airport proprietors post bond with clerk.

#### F. MOTOR VEHICLES FINANCIAL RESPONSIBILITY

- Bonds § 46.2-447

Bonds for proof of financial responsibility are liens on real estate of surety and are to be recorded by clerk in locality where property located.

- Notice of Cancellation § 46.2-448

Clerk to record and index notice of cancellation in deed book and return notice to DMV Commissioner.

- Certificate of Cancellation § 46.2-449

Clerk may record certificate of cancellation of financial responsibility bond.

#### G. COURT CASE BONDS

- Committee of Prisoner's Estate § 53.1-221

Committee appointed to handle a prisoner's estate and stand in his stead in civil litigation must give bond.

- Judgment for Commonwealth, Sale Bond § 8.01-206

Purchaser at sale on execution of Commonwealth judgment shall give purchase bond, on which the clerk endorses the date of return to clerk's office.

- ABC Violations, Bonds § 4.1-349

If good behavior bond not posted during term of court in which conviction rendered, it may be posted later with the clerk.

- Interpleader Bond § 8.01-368

Bond of third party intervenor from officer serving fieri facias or distress warrant to be filed in clerk's office.

- Sales for Late Taxes § 58.1-3966

If locality employs attorney to bring suits for delinquent taxes, the attorney shall give bond to clerk. Clerk to record bond in special commissioner's bond book.

- District Court Appeal Bonds § 16.1-108

In civil cases appealed from general district court where a sum of money is deposited in lieu of bond with surety, clerk of circuit court to give receipt for deposit to district court clerk.

- Additional Security; Defect or Error in Bond § 16.1-109

Appellant may be required by circuit court to give new or additional security on appeal for good cause shown. Appellant given notice and opportunity to cure when district or circuit court discovers a defect or error in the bond if attributable to a mistake of the district court. Provisions of § 16.1-109 are applicable to bonds required in cases involving support pursuant to § 16.1-296.

- Appeal to Supreme Court, Additional Bonds § 49-13

Requires clerk to file and record additional bonds posted by order of judges or, on appeal, by the Supreme Court after transmission from Supreme Court.

#### H. FORTHCOMING BONDS

- Fees § 16.1-91.1

Restricts fees to be collected by circuit clerks for endorsing and recording forthcoming bond.

- Return § 8.01-529

Procedure for clerk on return of forthcoming bond.

- Withdrawing Bond § 8.01-532

Sets forth what clerk must do to permit withdrawal of original of forthcoming bond.

- Execution § 8.01-531

Clerk shall note on execution on forthcoming bond that "no security is to be taken" when required by law or court order.

- Forfeiture § 8.01-527

Sets forth procedures to be followed by clerk on return of forfeited forthcoming bond.

I. FIDUCIARY BONDS

See also FIDUCIARIES, RECEIVERS AND ESTATES.

- Blanket Surety Bond §§ 2.2-1840; 2.2-1841

Clerks to be excluded from section with respect to public deposit moneys held pursuant to §§ 8.01-582 and 8.01-600 insofar as coverage is provided under the faithful performance bond.

- Blanket Bond for Moneys Under Court Control § 2.2-1841

Clerks and general receivers to be covered by blanket surety for faithful discharge of duty.

- Bonds § 8.01-588

General receiver to give bond writer surety sufficient to cover probable amount under his control; to apply to clerk if appointed general receiver.

- Obtaining Bonds § 8.01-588.1

General receiver to report to Division of Risk Management the amount under his control for the current year and the amount anticipated to be under his control in the following year.

- Guardians §§ 31-6 and 31-6.1

Clerk to require bond of guardian qualifying before him. Unless a waiver exists, surety on the bond must be given; however, at any time surety may required as indicated. On the guardian's request, the clerk shall redetermine the penalty of the bond in light of the factors listed; redetermination shall not apply to any bond set by the court.

- Mentally Incompetent § 37.2-1019

Clerk may take bond of fiduciary for mentally incompetent person.

- Personal Representatives § 64.1-119

Clerk shall take oath and bond of administrator.

- Distribution by Personal Representative § 64.1-177

Personal representative not required to distribute estate prior to six months after qualification until payee's bond is filed with the clerk.

J. OTHERS

- Pilots § 54.1-905

Pilots to give bond before clerks.

- Trustee's Bond § 26-1

Trustee to give bond to clerk if required by judge.



**SECTION XIV. ELECTIONS AND REFERENDA****A. BALLOTS, POLLBOOKS, VOTING MACHINES**

## ■ Unused Ballots § 24.2-620

Unused ballots shall be turned over to the clerk after the close of the polls.

## ■ Pollbooks, Statement of Results, and Ballots §§ 24.2-668, 24.2-802

After counting ballots, the statement of results, pollbooks and ballots are to be sealed and delivered to the clerk. Requires clerk to secure all pollbooks, paper ballots and other election materials by following specified procedures.

## ■ Disposition of Ballots, Printed Return Sheets and Pollbooks §§ 24.2-658, 24.2-668 and 24.2-669

Sets forth what to do with ballots, return sheets and pollbooks after election.

## ■ Electoral Board § 24.2-671

Electoral Board shall meet at the clerk's office or general registrar's office at 5:00 p.m. of the day after any election to open returns and ascertain results. If different location used, directions to be posted on door of clerk's office.

## ■ Voting Machines and Counting Devices § 24.2-659

Election officials to put keys in sealed, marked envelopes and to deliver them to clerk of circuit court until the time period has expired, at which time the keys are returned to the electoral board.

## ■ Absentee Ballots § 24.2-710

Applications for absentee ballots shall be delivered to the clerk before noon following election day; clerk to retain same with the counted ballots.

**B. CANDIDATES**

## ■ Candidates' Filings §§ 24.2-501, 24.2-502, 24.2-503

Candidate for circuit court clerk shall file a written statement of financial interest with the general registrar.

## ■ Non-Party Notice of Candidacy § 24.2-505

Non-party candidate for circuit court clerk to give notice of candidacy to general registrar.

**C. ELECTION CONTESTS**

## ■ Witnesses § 24.2-803

Subpoenas for witnesses in General Assembly election contest proceedings shall be issued by clerk where contestee resides.

## ■ Judge Unable to Hear Case § 24.2-806

Clerk to certify to Chief Justice if judge on panel cannot sit on case.

- Richmond Judge Unable to Hear Case § 24.2-805

If senior judge of circuit court of City of Richmond unable to sit on trial of certain election contests, clerk of the circuit court of the City of Richmond shall certify the same to the Chief Justice.

- Challenged Votes § 24.2-653

Challenged votes to be delivered by election officials to clerk.

- Contest of Removal Election § 15.2-1654

Notice of contest of removal election filed with clerk, same as to answer. Notice of contest to be posted.

- Elections Registration Denial § 24.2-422

On appeal of denial of registration by petition, clerk shall immediately give notice to local Commonwealth's Attorney.

#### D. COMBINED OFFICES

- Election for Combining Offices § 15.2-1602

Clerk to publish notice of election regarding combination of offices between two jurisdictions after judge sets election date.

- Certificate of Election - Jointly Shared Officers § 24.2-680

State Board of Elections to certify name of officer shared by more than one jurisdiction to clerks in those jurisdictions.

- Which Officers May Be Shared §§ 15.2-1637 and 15.2-3822

Commonwealth's Attorney, circuit court clerks and sheriffs serving both a city and county before July 1, 1979, may continue to do so until the city becomes a first-class city.

#### E. ABC LOCAL OPTION REFERENDUM

- Petition § 4.1-121

Petition for local-option election filed with circuit court clerk of the county or city shall cause notice of election to be published once a week for three weeks.

- Notices § 4.1-124

Clerk to publish notice of local option election on mixed drinks.

#### F. BOND ELECTIONS

- Bond Redemption § 33.1-333

If voters elect to redeem bonds, clerk to contact bondholders to find out if they wish to have their bonds redeemed prior to maturity and to contact the chairman of Board of Supervisors and advise him who consents to early redemption.

**G. REMOVAL OF COURTHOUSE**

## ■ Election Results § 15.2-1649

In an election for bonds to induce a county to locate the courthouse in a town, a certified copy of the results of the election shall be given to the clerk.

**H. CHANGE IN CORPORATE LIMITS OF TOWN**

## ■ Hearing Procedures § 15.2-3243

Clerk to summon chairman of board of supervisors and mayor to hearing.

**I. REFERENDUM ELECTIONS**

## ■ Voter Petitions § 24.2-684.1

Clerk to receive petition prior to its circulation for signatures. Clerk to certify receipt.

**J. OTHER TYPES OF ELECTIONS**

## ■ Election on Annulment of Town Charters § 15.2-3703

Notice and ordinance for referendum on annulment of town charter shall be published in newspaper and served on certain officials, with proof of service being returned to the clerk.

## ■ Referendum, School Board Selection Method §§ 22.1-42, 22.1-57.2, 22.1-57.4; § 1-211.1

Clerk of county to publish notice in newspaper and post copy on courthouse door or principal public entrance about referendum on change in method of selecting school board members; results certified to circuit court and county clerks.

## ■ Referendum for Biennial County Supervisors Elections § 24.2-219; § 1-211.1

Clerk to publish notice of the referendum in a newspaper having general circulation once a week for four consecutive weeks and shall post a copy of the notice at the door or principal public entrance of the courthouse.

## ■ Referendum on Pari-Mutuel Wagering § 59.1-391

Clerk to publish notice of referendum on licensed race track or satellite facility for three weeks prior to election.

## ■ Election of Clerks § 24.2-217

Clerks to be elected at general election every eight years.

## ■ Referendum for Food and Beverage Tax § 58.1-3833

Clerk to publish notice once a week for three consecutive weeks prior to the election.

## ■ Referendum on County Police Force, § 15.2-1702

Requires clerk to publish notice of referendum to determine if a county police force shall be established or relieve the sheriff's office.

- Referendum on County Police Force § 15.2-1703

Clerk to publish notice of election to abolish county police force for three weeks prior to such election.

- Referendum on Election of County Chairman (Loudoun County) § 15.2-1213

Clerk to publish notice of referendum and post copy of same on courthouse door.

#### K. MISCELLANEOUS PROVISIONS

- Elections, List of Incompetents § 24.2-410

Clerk to file monthly report to Secretary of State Board of Elections of persons adjudicated incapacitated pursuant to § 37.2-1007 or whose incapacity has been recognized pursuant to § 37.2-1047, unless the court order provides otherwise.

- Special Elections § 24.2-684

Clerk to send copy of order of special election to State Board of Elections.

- Obtaining Election Returns § 24.2-670

Clerk to use law-enforcement officer to obtain election returns not timely filed.

- Electoral Board Appointments § 24.2-106

Circuit Court Clerks shall send to State Board of Elections a copy of the order of appointment of new board members.

- Electoral Board Oath § 24.2-120

Clerk's office to receive original signed oath of office to be filed by general registrar.

- Appeal of Denial of Registration to Vote § 24.2-422

Clerk must immediately bring to chief judge's attention a petition appealing the denial of registration to vote. Clerk to notify the Commonwealth Attorney and such proceedings are to take precedence over all other business.

### SECTION XV. MARRIAGE RECORDS

#### A. MARRIAGE REGISTER

- Marriage Register § 17.1-233

Establishes what clerk shall place in marriage register.

#### B. MARRIAGE LICENSES

- Issuance §§ 20-14, 32.1-267

Clerk to issue marriage licenses and forward records to State Registrar Restrictions on public access to marriage applications and records are set forth.

- Marriage License Tax § 20-15

Clerk to collect a tax of \$20.00, \$10.00 of which shall be allocated to the Virginia Department of Social Services.

- Health Information § 20-14.2

Clerk to furnish information provided by Department of Health to all marriage license applicants.

- Information to State Registrar § 32.1-267

Record of each marriage should be forwarded to State Registrar once a month.

- Licenses Not Returned § 20-21

Clerk to report to Commonwealth's Attorney a list of marriage licenses not returned by officiant.

- License Issued Contrary to Law § 20-33

Clerk issuing marriage license contrary to law may be fined and/or imprisoned.

- Age of Consent § 20-48

Outlines when clerk may issue marriage license when either party is under age 16.

- Consent to Marry § 20-49

Consent to be given before clerk or judge of circuit court by parents or guardians of certain persons under age 18 intending to be married.

## SECTION XVI. OTHER SUBJECTS

### A. ALCOHOLIC BEVERAGES

- ABC Mixed Beverage Referendum § 4.1-124

Petition for referendum to be filed with clerk, who shall cause election notice to be published.

- Sunday Beer and Wine Sales § 4.1-123

Clerk shall publish notice of the referendum in a newspaper once a week three weeks prior to the referendum.

### B. APPEALS

#### 1. Compensation Board Decisions.

- Notice to Chief Justice § 15.2-1636.9

The decision is certified by clerk to officers whose salary was affected and to Compensation Board Chairman.

## 2. Other Case Types

### ■ Grievance § 2.2-3006

On appeal to circuit court, the clerk is to receive certain records from the agency head, with the appeal to be heard within thirty days.

### ■ Industrial Commission § 65.2-202

Any party in interest in Industrial Commission hearing may have clerk issue a witness subpoena returnable to the Commission.

### ■ Virginia Workers Compensation Commission § 40.1-49.4

Commissioner may file bill of complaint with clerk for contests of VOSH fines or to enjoin dangerous conditions in workplace.

### ■ Appeal of Commitment or Certification Order § 37.2-821

Clerk to provide written notice of appeal to petitioner and transmit record to appellate court.

## C. ATTACHMENT

### ■ Petition § 8.01-537

Petition for attachment to be filed in circuit court clerk's office or with a district court judge or clerk. Costs must be paid to clerk within ten days.

### ■ Issuance § 8.01-543

Clerk may issue other attachments founded on the original petition (except against vessels exceeding 20 tons).

### ■ Bond Certificate § 8.01-537.1

Sets out the procedure for certification of the bond by the clerk.

### ■ Attachment Issued by Magistrate § 8.01-540

Magistrate shall promptly return petition and bond to clerk of court to which attachment is returnable. Evidence to be received by a magistrate or judge to be first sworn in petition and filed with clerk.

### ■ Dismissal or satisfaction of Attachment § 8.01-269

Spells out clerk's duties when attachment is dismissed or settled.

## D. BONDS

### ■ Branch Pilots § 54.1-905

Clerk to take \$500.00 bond and administer oath of office to certified branch pilots.

**E. CASE INITIATION**

- Treatment and Detention of Certain Persons for Medical Treatment § 37.2-1101

Clerk to schedule expedited hearing after appointment of attorney and to notify parties.

**F. CHANGE OF LOCATION OF COURTROOM**

- Order § 17.1-114

When court must hold session other than in courtroom, judge so states in order or warrant to clerk.

- Notice § 17.1-115; § 1-211.1

Clerk to post, if practicable, at courthouse door or principal public entrance and clerk's office door any order or warrant changing the location of a trial.

**G. CITY CENSUS**

- Results § 15.2-1414

Results of city census takers to be returned to clerk of circuit court. Clerk to make list available to public.

**H. CIVIL COMMITMENT OF SEXUALLY VIOLENT PREDATORS**

- Petition § 37.2-905

Petition alleging person is a sexually violent predator filed with clerk of circuit court by the Attorney General.

**I. COURT ORDERS**

- Concealed Handgun § 18.2-308

Application for concealed handgun to be filed with clerk. Clerk may issue permits under certain circumstances if authorized by judge. Upon denial of an application by anyone who previously had a permit, the clerk shall provide notice to the person, in writing, of his right to an ore tenus hearing.

- Escheat § 55-175

Escheat verdict to be recorded in clerk's office within ten days from verdict. Clerk to record and provide copies to commissioner of revenue and local treasurer.

- Weights and measures § 3.1-969.15(C)

Civil penalties for violation of weights and measures act to be recorded as orders of circuit court.

- Establishing Birth Record § 32.1-260

Copy of court order establishing birth record (on form from State Registrar) to be sent to State Registrar by clerk by 10th day of the month following entry of order.

- Rate Refunds § 5.1-139

If aviation rate overcharges not repaid after SCC order, SCC can record judgment against carrier with clerk.

- Special Police § 15.2-1744

Jurisdiction of special police shall be set forth in an order attested by clerk.

- Unauthorized Insurer as Defendant § 38.2-806

Insurance company not qualified in Virginia must, before filing pleadings, deposit cash, securities or bond with clerk or qualify with SCC.

- Payment of Wages § 40.1-29

Clerk to record final order of court or commissioner.

- Appraiser's Report § 56-436

Report of appraisers of damage done by railroad train to be filed with clerk where damage occurred.

- Prepayment of fines under local ordinances §§ 16.1-69.40:1 and 16.1-69.40:2

When the chief judge of the circuit enters an order establishing a schedule of fines for prepayment of violations of local ordinances, within 10 days of entry of the order the clerk shall forward it to the Supreme Court of Virginia.

#### J. DETINUE

- Bond Procedures § 8.01-116

Outlines procedure for bond in detinue case to be filed with clerk.

- Bond Amount § 8.01-115

Clerk or issuing officer to take bond for at least twice the estimated value of claimed property price before issuing process for pre-trial seizure.

#### K. DIVORCE AND ANNULMENT

- Acceptance or Waiver of Service of Process § 20-99.1:1

Permits party to accept or waive service of process in writing under oath before clerk or deputy clerk.

- Order of Publication § 20-104

Order of publication against non-resident defendant may be issued by circuit court clerk.

- Vital Statistics § 32.1-268

Circuit court clerk to provide certain information to State Registrar of Vital Statistics.

- Court Decree as to Property of the Parties § 20-107.3(D)

Clerk to record and index decrees which divide or transfer property in land records. Clerk to docket judgment for monetary award only if decree so directs.

- Judgment or order establishing parentage § 20-49.8

Clerk to transmit certified copy of such judgment or order to Registrar of Vital Statistics within 30 days.



- Social Security Numbers and Financial Information Confidential § 20-121.03

Requires social security numbers and financial information provided to the court be kept confidential in divorce cases by use of protected addendum. The clerk has the authority to reject any petition, pleading, motion, agreement, order, or decree for recordation as a land record that does not comply with the provisions of § 20-121.03.

#### L. EVIDENCE

- Official Copy of Court Record § 8.01-391

Copies of records from clerk's office are admissible as evidence if authenticated by the clerk (see § 8.01-389).

- Medical § 8.01-413(c)

When records not produced as required, clerk may subpoena such record on party's request. Hospital or physician may send copies instead of originals to clerk.

- Judicial Inquiry and Review Commission § 17.1-910

Clerk to issue subpoenas for deposition taken in pending hearing or investigation by the Judicial Inquiry & Review Commission.

- Civil Cases, Disposal of Evidence § 8.01-452.1

Provides a method for the disposition or donation of evidence in civil cases.

- Criminal Cases, Disposal of Evidence § 19.2-270.4

Provides a method for disposing of evidence in criminal cases.

- Custody of Controlled Substances, etc. § 19.2-386.25

On request of clerk, judge may order law-enforcement agency to take custody of controlled substances, etc., to be used as evidence in certain criminal cases.

- Criminal Cases, Reporters' Notes § 19.2-165

Court reporter files original shorthand notes or other original records in criminal cases with circuit court clerk, who preserves them for not less than ten years, if no appeal was taken, or for not less than five years if an appeal was taken and a transcript was prepared.

- Disposition of Unclaimed Property §§ 8.01-602, 55-210.9:1, 55-210.12 to 55-210.30

Requires clerk to report unclaimed property and transmit unclaimed funds to Treasurer of Virginia.

- Radar Detection Devices § 46.2-1079

Provides for the disposition of unclaimed radar detection devices.

- Admission of blood test results § 20-49.3

Results of paternity tests shall be admitted in evidence when contained in a written report and filed with the clerk fifteen days prior to trial.

- Money Seized Upon Arrest § 19.2-270.2

Court, with consent of the Commonwealth's attorney, may authorize clerk to deposit moneys which have been introduced as evidence in a prosecution in an interest-bearing account.

- Tax Records § 58.1-109

Clerk to return copies of confidential tax records to Department of Taxation after entry of final order unless otherwise directed by the judge.

#### M. HIGHWAYS

- Abandonment Appeal § 33.1-162

Similar procedure as § 33.1-147 for appeal of abandonment of road or railroad crossing not in highway or secondary road system.

- Abandonment Appeal § 33.1-147

Appeal of abandonment of road or railroad crossing in state highway system by filing petition with clerk who sends notice of appeal and gives case preferred status on the docket.

- Abandonment Appeal § 33.1-152

Similar procedure as § 33.1-147 for abandonment in secondary road system.

#### N. ITEMS POSTED OR KEPT BY CLERK

- Voluntary Annexation, Transition or Immunity Agreements § 15.2-3400

Clerk to keep a copy of voluntary annexation, transition or immunity agreements being considered by local government in which his or her court is located.

- Estrays and Vessels Adrift § 55-203; § 1-211.1

Clerk to record valuation of estrays and vessels adrift taken into possession in a special book and to post on courthouse door or principal public entrance on first day of next two terms of court.

- Revocation List of Fidelity and Surety Companies § 38.2-2412

Clerk to receive and keep notices of revocation of licenses of fidelity and surety companies.

- Sales of Handguns § 15.2-1207

County may no longer require vendors to report certain data regarding handgun purchasers to clerk. Clerk shall destroy all previously received records.

- Local Government Grievance Procedure § 15.2-1507

Each grievance procedure adopted by a local governing body and each amendment thereto, shall be certified to be in compliance and such certification filed with the appropriate clerk.

- Sureties § 38.2-2411

Clerk to keep file of surety companies licensed to do business in Virginia.

- Constitutional Amendment § 30-13; § 1-211.1

Clerk to post copy at or near the principal public entrance of the courthouse of proposed constitutional amendments and to keep copy in office for public inspection and to make return of posting to Clerk of House of Delegates.

- Tier-city charter § 15.2-3535

A copy of the draft charter for a proposed tier-city shall be filed in the clerk's offices of the circuit courts of the consolidating jurisdictions and shall be open for public inspection.

- Ordinances § 15.2-1427

County ordinances (proposed) must be on file with clerk of circuit court or county administrator except for certain types of county governments.

#### O. JUDGES

- Disqualified Judges § 19.2-153

Clerk to certify disqualification of judge in criminal case to Chief Justice.

- Judges Pro Tempore § 17.1-110

Clerk to record stipulation and oath of judge pro tempore in court minutes.

- Designation of Judges § 17.1-105

Clerk to enter designation of substitute judge in civil order book, to certify that a judge has disqualified himself from hearing a case to the Chief Justice, and to certify vacancy to Governor.

#### P. JUVENILES

- Confidentiality of Court Records §§ 16.1-305 and 16.1-307

Details the availability of certain juvenile records.

- Exceptions to Juvenile Record Confidentiality § 16.1-309.1

Details circumstances under which records of juvenile delinquency adjudication may be released.

- Disclosure of disposition in certain delinquency cases § 16.1-305.1

Clerk is to provide written notice to school system superintendent of the disposition when a juvenile has been found to be a delinquent under certain specified statutes.

- Juvenile Case Records § 16.1-299

Sets out when a clerk is to forward report to the criminal records exchange in a juvenile criminal case.

- Juvenile Case Records § 16.1-306

Sets forth retention and destruction procedures for records of juvenile criminal proceedings.

- Juvenile Case Records § 16.1-307

Clerk to keep juvenile case records (in cases where circuit court deals with the child in the same manner as the district court) in separate files with restricted access as stated in §§ 16.1-305, 16.1-306, 19.2-389.13, and 19.2-390.

- Judgment or Order Establishing Parentage § 20-49.8

Clerk to transmit certified copy of such order or judgment to Registrar of Vital Records within 30 days.

#### Q. LAW LIBRARIES

- Law Libraries § 42.1-70

Clerk to collect local fee (if approved by ordinance) for local law library and pay it to local treasurer.

- Local Law Library § 42.1-65

Clerk required to take charge and maintain local law library if so ordered according to rules established by circuit court judge.

#### R. MEDICAL MALPRACTICE PROCEEDINGS

- Copy of Request for Review Panels to be filed with clerk. § 8.01-581.2

#### S. MILITARY RECORDS

- Discharge Certificates §§ 17.1-208, 17.1-265

Clerk required to record free all discharge certificates for recordation. Access to records is limited.

- Induction and Discharge Record, World War II § 17.1-264

Clerk to record induction and discharge information on residents who were veterans of World War II in a book, "Induction and Discharge Record, World War II."

- World War I Memorial Record § 17.1-263

Circuit Court clerk to maintain a loose-leaf book for recording honorable discharges of World War I veterans.

- World War I Veterans Honorable Discharge § 17.1-262

Clerk to record in World War I Memorial Record all honorable discharges of veterans who were residents at time of entry into service.

- World War I Veterans Lists § 17.1-261

Clerk to maintain books listing residents who served in military forces in World War I, to add names of veterans upon proper application and proof.

#### T. NAME CHANGE

- Court Records § 8.01-217

Provides when and in which records a clerk is to record a change of name and send a certified copy to state agencies. Provides for sealed records.

■ Judgments § 8.01-451

Procedure for clerks to change judgment docket where person changes name.

■ Domestic Relations § 55-106.1

Requires clerk of circuit court to record decree of divorce or marriage license showing change of women's name.

#### U. NOTARY PUBLIC

■ Qualification and Commission §§ 47.1-4, 47.1-8

The Secretary of the Commonwealth will forward the commission for a notary public or electronic notary public to the clerk. Upon presentation by the notary of satisfactory evidence of identity, clerk shall administer and attest to oath of office and issue commission as notary public or electronic notary public. Within fourteen (14) days of qualification, clerk to certify qualification to the Secretary of the Commonwealth.

■ Oath of notary; duties of clerk § 47.1-9

Sets forth oath of notary to be administered by clerk. Clerk shall not permit to qualify after 60 days from appointment. Clerk shall return unclaimed commissions to Secretary of the Commonwealth once a month.

#### V. PRELIMINARY PROTECTIVE ORDERS §§ 16.1-253.1, 16.1-253.4, 16.1-279.1

Clerk to forward copies of protective orders to the local police or sheriff's office upon issuance, modification or dissolution of the order and enter the relevant orders into the Virginia crime information network system.

#### W. SERVICE OF PROCESS

■ Judicial Inquiry and Review Commission § 17.1-910

Clerk to issue subpoenas (if requested) for depositions in Judicial Inquiry and Review Commission proceedings.

■ Medical Malpractice Review Panel § 8.01-581.4

Clerk of court where action was filed shall issue and receive returned process.

■ Consolidated City § 15.2-3521

Circuit court clerk to receive notice of publication and ordinance prior to the action being docketed for hearing.

#### X. SILVICULTURAL ACTIVITIES

■ Civil Penalties § 10.1-1181.3

Clerk to record and index civil penalties assessed by the state forester as a judgment.

**Y. SUPPORT****■ Support Payments § 20-60.5**

Clerk to notify payee and obligor that future payments are to be made to the Department of Social Services.

**■ Judgment as Order Establishing Parentage § 20-49.8**

Clerk to transmit certified copy of such judgment or order to Registrar or Vital Statistics within 30 days.

**■ Abstracts of Support Orders § 20-60.4**

Requires clerks to send abstracts of support orders to Virginia Department of Social Services.

**■ Payroll Deduction Orders for Support § 20-79.1**

Details clerk's duties in issuing payroll deduction orders for support.

**■ Appeal From Decision of Hearing Officer § 63.2-1943**

Clerk to send notice of appeal from hearing officer's decision regarding support payments under Set-off Debt Collection Act to appellee.

**■ Support of Children of Unwed Parents § 20-49.5**

Clerk to send acknowledgment of paternity to Department of Social Services within 30 days.

**Z. TERMS OF COURT****■ Special Term § 17.1-518**

Judge to give order or warrant to clerk to hold a special term of court - clerk's duties outlined.

**■ Adjournment § 17.1-519**

Outlines duties of clerk when special term of court adjourned.

**AA. TIMBER BRANDS****■ Brand Certificate § 59.1-103**

Clerk to receive certificate with copy of timber brands used on timber to be floated in certain Tidewater streams.

**■ Recordation § 59.1-109**

Clerk to record timber brands once certificate is acknowledged or proved as deeds are proved.

**■ Unbranded Timber § 59.1-115**

County clerk to receive reports of capture of floating unbranded timber.

**BB. TRADEMARKS**

- Filing/Publication of Name, Marks or Devices § 59.1-94

Trademark information to be filed in clerk's office.

- Appeals § 59.1-99

The records for trademark violation cases on appeal to circuit court shall be filed by judge of district court with clerk of circuit court.

#### CC. VOLUNTEER FIRE AND RESCUE SQUADS

- Volunteer Fire Fighters List § 27-42

Clerk to keep a book (provided by locality) of active volunteers as reported by secretary of volunteer fire company.

#### DD. SCHOOLS

- City School Districts § 22.1-49

Clerk in city to record number and boundaries of city school districts provided by Superintendent of Public Instruction.

#### EE. CONCEALED HANDGUN PERMITS

- Permit to Carry a Concealed Handgun § 18.2-308

Sets forth procedure for application and issuance of concealed handgun permit. Clerk may issue permits under certain circumstances when authorized by judge.

Presentation to clerk of the valid permit and proof of a new address, the clerk shall issue a replacement permit and provide the State Police with the permit information. Within 10 business days of receiving a notarized statement from permit holder that permit was lost or stolen, clerk shall issue a replacement permit. Clerk may charge a fee not to exceed \$5.00 for issuing replacement permit.

#### FF. DE-CERTIFICATION OF LAW-ENFORCEMENT OFFICERS

- The clerk of any court in which a conviction of a felony is made who has knowledge that a law-enforcement or jail officer has been so convicted shall have a duty to report these findings promptly to the agency employing that officer.

#### GG. REPORT OF CONVICTION OF SCHOOL EMPLOYEES FOR CERTAIN OFFENSES

- The clerk of any circuit court or any district court in the Commonwealth shall report to the Superintendent of Public Instruction and the division superintendent of any employing school division the conviction of any person, known by such clerk to hold a license issued by the Board of Education, for any felony involving the sexual molestation, physical or sexual abuse, or rape of a child or involving drugs pursuant to Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2.

#### HH. REPORT OF CONVICTION OR INJUNCTION FOR UNLAWFUL TOWING AND RECOVERY BUSINESS § 46.2-2821

- It shall be the duty of the clerk of every circuit court in which any person is convicted of (or enjoined from) unlawful engaging in towing and recover services to report to the same to the Board for Towing and Recovery Operators.



## SECTION XVII. INDEX OF VIRGINIA CODE SECTIONS

1-13.32.....	12	8.01-280.....	12
1-211.1.....	35, 49, 86, 89, 93	8.01-290.....	11
1-403.....	63	8.01-291.....	33
1-408.....	64	8.01-296(2)(b).....	34
2.2-505.....	5	8.01-312.....	34
2.2-614.1.....	20	8.01-313.....	77
2.2-806.....	1, 2	8.01-316.....	35, 77
2.2-807.....	1	8.01-317.....	35
2.2-810.....	1	8.01-319.....	34
2.2-1802.....	2	8.01-324.....	35
2.2-1840.....	2, 78, 82	8.01-326.1.....	34
2.2-1841.....	1, 2, 73, 78, 82	8.01-329.....	34
2.2-3006.....	88	8.01-331.....	13
2.2-3100.....	6	8.01-335.....	13
2.2-3116.....	5	8.01-336.....	17
2.2-3704.....	6	8.01-341.....	37
2.2-3808.1.....	6	8.01-341.1.....	37
2.2-4400.....	73, 74	8.01-343.....	38
3.1-969.15(C).....	90	8.01-344.....	39
3.2-1406.....	19	8.01-345.....	37
3.2-1806.....	19	8.01-346.....	38
3.2-5216.....	19	8.01-347.....	37
3.2-5414.....	19	8.01-348.....	37
4.1-121.....	85	8.01-349.....	38
4.1-123.....	88	8.01-351.....	38
4.1-124.....	85, 88	8.01-353.....	38
4.1-339.....	49	8.01-365.....	42
4.1-340.....	45	8.01-368.....	42, 81
4.1-349.....	47, 81	8.01-384.1.....	24
5.1-139.....	90	8.01-384.1:1.....	24
6.1-125.3(D).....	42	8.01-389.....	91
6.1-17.....	70	8.01-391.....	91
6.1-18.....	70	8.01-392.....	13
6.1-195.82.....	70	8.01-393.....	11
6.1-32.9.....	70, 73	8.01-405.....	37
6.1-330.54.....	39, 47, 53	8.01-407.....	36
6.1-332.1.....	78	8.01-410.....	26, 37
8.01-100.....	76	8.01-413(c).....	91
8.01-103.....	76	8.01-428.....	7
8.01-115.....	91	8.01-431.....	35
8.01-116.....	90	8.01-432.....	35
8.01-183.....	55, 63	8.01-433.....	36
8.01-206.....	61, 81	8.01-433.1.....	35
8.01-209.....	79	8.01-434.....	36
8.01-211.....	39, 41	8.01-436.....	35
8.01-217.....	55, 95	8.01-437.....	35
8.01-241.....	59	8.01-438.....	14, 36
8.01-241.1.....	59	8.01-439.....	36
8.01-242.....	62	8.01-440.....	36
8.01-261.....	43	8.01-446.....	14
8.01-266.....	33	8.01-446.1.....	10
8.01-268.....	62	8.01-449.....	14
8.01-269.....	62, 89	8.01-450.....	15

8.01-451.....	95	8.01-685.....	40
8.01-452.....	39	8.01-688.....	53
8.01-452.1.....	33, 92	8.01-7.....	12
8.01-453.....	14	8.01-9.....	71
8.01-454.....	14	8.01-96.....	76
8.01-455.....	40	8.01-98.....	29, 76
8.01-456.....	39	8.01-99.....	76
8.01-457.....	40	8.9A-501.....	61
8.01-460.....	58	8.9A-505.....	20
8.01-461.....	39	8.9A-512.....	21
8.01-465.2.....	14	8.9A-513.....	20
8.01-465.20.....	14	8.9A-514.....	20
8.01-465.3.....	15	8.9A-519.....	61
8.01-465.9.....	14	8.9A-522.....	61
8.01-466.....	42	8.9A-525.....	20, 21
8.01-467.....	41	9.1-106.....	27
8.01-473.....	41	9.1-909.....	51
8.01-477.....	41	10.1-1135.....	80
8.01-484.....	14, 42	10.1-1181.3.....	95
8.01-506.....	42	10.1-2207.....	55
8.01-511.....	34, 42	12.1-37.....	68
8.01-512.3.....	42	13.1-1067.....	67
8.01-512.4.....	42	13.1-330.....	67
8.01-512.5.....	43	13.1-911.....	67
8.01-515.....	43	15.2-104.....	21, 59
8.01-516.1.....	43	15.2-717.....	66
8.01-520.....	43	15.2-743.....	66
8.01-527.....	41, 82	15.2-838.....	9
8.01-529.....	41, 82	15.2-962.....	56
8.01-531.....	41, 82	15.2-1207.....	93
8.01-532.....	41, 82	15.2-1213.....	86
8.01-537.....	89	15.2-1412.....	10
8.01-537.1.....	89	15.2-1414.....	89
8.01-540.....	89	15.2-1427.....	93
8.01-543.....	89	15.2-1507.....	93
8.01-581.2.....	94	15.2-1517.....	5
8.01-581.4.....	96	15.2-1522.....	79
8.01-582.....	2, 73, 74, 82	15.2-1523.....	79
8.01-585.....	74	15.2-1525.....	5
8.01-587.....	1, 73	15.2-1527.....	79, 80
8.01-588.....	2, 73, 82	15.2-1528.....	79, 80
8.01-588.1.....	2, 73, 82	15.2-1533.....	80
8.01-589.....	2, 73	15.2-1600.....	6
8.01-600.....	2, 73, 82	15.2-1602.....	85
8.01-602.....	1, 2, 74, 92	15.2-1603.....	80
8.01-606.....	74	15.2-1604.....	5
8.01-616.....	12	15.2-1605.....	4
8.01-619.....	75	15.2-1605.1.....	3
8.01-627.....	43	15.2-1606.....	5
8.01-631.....	43	15.2-1609.3.....	26
8.01-637.....	43	15.2-1613.1.....	26
8.01-661.....	43	15.2-1627.3.....	27
8.01-673.....	40	15.2-1635.1.....	3
8.01-675.4.....	40	15.2-1636.10.....	3, 4
8.01-676.1.....	40	15.2-1636.13.....	3
8.01-683.....	40	15.2-1636.18.....	4

15.2-1636.19.....	3	16.1-116.....	52
15.2-1636.7.....	4	16.1-118.....	52
15.2-1636.9.....	3, 4, 88	16.1-118.1.....	52
15.2-1637.....	85	16.1-131.1.....	46, 52
15.2-1649.....	85	16.1-133.....	12, 25, 52
15.2-1654.....	84	16.1-135.....	52
15.2-1656.....	4	16.1-245.....	53
15.2-1702.....	86	16.1-253.1.....	96
15.2-1703.....	86	16.1-253.4.....	96
15.2-1744.....	90	16.1-272.....	51
15.2-1904.....	16	16.1-279.1.....	96
15.2-2019.....	56	16.1-296.....	25, 52, 82
15.2-2234.....	56	16.1-296.2.....	25
15.2-2235.....	56	16.1-299.....	51, 94
15.2-2254.....	57	16.1-302.....	13
15.2-2264.....	57	16.1-305.....	94
15.2-2270.....	66	16.1-305.1.....	53, 94
15.2-2271.....	57	16.1-306.....	94
15.2-2273.....	66	16.1-307.....	94
15.2-2276.....	57	16.1-309.1.....	94
15.2-2410.....	31	17.1-105.....	94
15.2-2511.....	6	17.1-110.....	94
15.2-2605.....	21, 61	17.1-114.....	89
15.2-3102.....	56	17.1-115.....	89
15.2-3107.....	63	17.1-123.....	13
15.2-3108.....	63	17.1-124.....	13
15.2-3109.....	63	17.1-125.....	13
15.2-3202.....	16	17.1-129.....	33
15.2-3203.....	16	17.1-130.....	41
15.2-3204.....	16	17.1-206.....	6
15.2-3223.....	16	17.1-207.....	6
15.2-3243.....	85	17.1-208.....	7, 95
15.2-3301.....	16	17.1-209.....	7
15.2-3303.....	16	17.1-210.....	7
15.2-3400.....	93	17.1-211.....	7
15.2-3521.....	96	17.1-212.....	11
15.2-3535.....	93	17.1-213.....	12
15.2-3703.....	86	17.1-214.....	34
15.2-3817.....	79	17.1-215.....	34
15.2-3821.....	79	17.1-216.....	24
15.2-3822.....	85	17.1-217.....	78
15.2-3830.....	3	17.1-219.....	79
15.2-5139.....	62	17.1-219.1.....	46
16.1-69.17.....	52	17.1-221.....	5
16.1-69.18.....	53, 80	17.1-222.1.....	20
16.1-69.38.....	53	17.1-223.....	7, 11, 54, 55
16.1-69.39.....	53	17.1-224.....	10
16.1-69.40:1.....	89	17.1-225.....	8
16.1-69.40:2.....	89	17.1-227.....	54
16.1-69.48.....	1, 25	17.1-227.1.....	11, 20, 54
16.1-69.48:1(B).....	52	17.1-228.....	10
16.1-91.1.....	40, 81	17.1-229.....	8, 54, 61
16.1-95.....	53	17.1-230.....	9, 79
16.1-108.....	51, 81	17.1-231.....	75
16.1-109.....	25, 51, 52, 82	17.1-232.....	15
16.1-112.....	51	17.1-233.....	87

17.1-234.....	63	17.1-293.....	8
17.1-235.....	61	17.1-294.....	8
17.1-236.....	10, 56	17.1-295.....	8
17.1-238.....	56	17.1-313.....	49
17.1-239.....	7, 10	17.1-319(A)(4).....	4
17.1-240.....	10, 14	17.1-513.1.....	12
17.1-241.....	7	17.1-518.....	97
17.1-242.....	7	17.1-519.....	97
17.1-243.....	9, 29	17.1-607.....	24
17.1-244.....	11	17.1-611.....	26
17.1-246.....	11	17.1-612.....	26
17.1-247.....	7	17.1-613.....	26
17.1-248.....	11	17.1-614.....	37
17.1-249.....	10, 11	17.1-618.....	38
17.1-249 (C).....	54	17.1-619.....	38
17.1-250.....	11	17.1-620.....	38
17.1-251.....	57	17.1-621.....	38
17.1-252.....	54	17.1-622.....	38
17.1-253(A).....	11	17.1-624.....	24
17.1-253(C).....	11	17.1-626.....	24
17.1-258.2.....	8, 12	17.1-627.....	24
17.1-258.3:1.....	12	17.1-628.....	24
17.1-258.3:2.....	10	17.1-910.....	91, 96
17.1-261.....	95	17-213.....	7
17.1-262.....	95	18.2-56.1.....	47
17.1-263.....	95	18.2-56.1(c).....	68
17.1-264.....	95	18.2-57.4.....	47
17.1-265.....	95	18.2-62.....	48
17.1-266.....	25	18.2-247.....	98
17.1-267.....	20	18.2-270.1.....	27
17.1-271.....	1	18.2-273.....	18
17.1-272.....	25	18.2-308.....	90, 98
17.1-275.....	20, 27, 28, 36	18.2-346.1.....	48
17.1-275(A).....	8, 9, 20, 62	18.2-459.....	50
17.1-275.1.....	20, 28	19.2-11.2.....	51
17.1-275.4.....	27	19.2-13.....	80, 81
17.1-275.5.....	29	19.2-15.....	81
17.1-275.6.....	27	19.2-39.....	80
17.1-275.7.....	28	19.2-54.....	45
17.1-275.9.....	20	19.2-57.....	45
17.1-276.....	8, 20	19.2-71.....	43
17.1-275.11:1.....	28	19.2-76.1.....	50, 52
17.1-275.12.....	29	19.2-119.....	44
17.1-278.....	23	19.2-120.....	44
17.1-279.....	9, 13, 21, 23	19.2-121.....	44
17.1-281.....	23	19.2-123.....	45
17.1-281(C).....	24	19.2-124.....	25
17.1-283.....	1	19.2-134.....	45
17.1-284.....	4	19.2-135.....	46
17.1-285.....	4, 20	19.2-142.....	44
17.1-286.....	2	19.2-143.....	45, 49
17.1-287.....	2	19.2-147.....	45
17.1-288.....	3	19.2-149.....	45
17.1-289.....	3	19.2-152.....	44
17.1-290.....	3	19.2-153.....	46, 93
17.1-291.....	1	19.2-155.....	46

19.2-163.....	48	19.2-386.1.....	49
19.2-163.4:1.....	48	19.2-386.2.....	48
19.2-164.....	28	19.2-386.3.....	49
19.2-164.1.....	28	19.2-386.6.....	49
19.2-165.....	51, 92	19.2-389.13.....	94
19.2-187.....	46	19.2-386.16.....	49
19.2-187.1.....	29	19.2-386.22.....	49
19.2-190.....	45	19.2-386.25.....	91
19.2-194.....	39	19.2-390.....	50, 51, 94
19.2-215.1.....	39	19.2-390.01.....	50
19.2-215.11.....	39	19.2-392.2.....	50
19.2-217.1.....	44	20-14.....	87
19.2-233.....	44	20-14.2.....	87
19.2-235.....	34	20-15.....	21, 87
19.2-240.....	12	20-21.....	87
19.2-253.....	46	20-33.....	87
19.2-267.....	37	20-48.....	88
19.2-269.1.....	46	20-49.....	88
19.2-270.2.....	28, 92	20-49.3.....	92
19.2-270.4.....	92	20-49.5.....	97
19.2-271.....	5, 37	20-49.8.....	91, 94, 96
19.2-278.....	37	20-60.4.....	96
19.2-298.01(A).....	47	20-60.5.....	96
19.2-298.01(E).....	47	20-79.1.....	96
19.2-299.....	51	20-99.1:1.....	91
19.2-299.1.....	46	20-104.....	91
19.2-3.1.....	12	20-107.3.....	55
19.2-303.....	47	20-107.3(D).....	91
19.2-303.3.....	47	20-121.03.....	91
19.2-305.....	47, 53	21-118.4(e).....	62, 64
19.2-305.1.....	26, 47	21-126.....	64
19.2-305.2.....	48	21-295.....	64
19.2-305.4.....	47	21-299.....	65
19.2-310.....	50	21-305.....	65
19.2-310.01.....	47	21-306.....	64
19.2-310.2.....	28	21-311.....	64
19.2-310.2:1.....	47	21-312.....	65
19.2-327.....	50	21-343.....	65
19.2-334.....	27	21-346.....	65
19.2-335.....	27	21-362.....	65
19.2-336.....	27	21-366.....	65
19.2-340.....	53	21-373.....	65
19.2-341.....	53	21-387.....	65
19.2-349.....	26, 53	21-392.....	66
19.2-353.3.....	27	21-405.....	65
19.2-353.5.....	28, 48	22.1-31.....	80
19.2-354.....	27	22.1-42.....	86
19.2-355.....	48	22.1-49.....	98
19.2-359.....	27	22.1-57.2.....	86
19.2-366.....	48	22.1-57.4.....	86
19.2-368.....	26	22.1-64.....	79
19.2-368.18.....	28	24.2-120.....	87
19.2-368.21.....	28	24.2-217.....	86
19.2-372.....	49	24.2-219.....	86
19.2-374.....	49	24.2-229.....	80
19.2-377.....	49	24.2-405.....	37

24.2-410.....	86	27-42.....	97
24.2-422.....	84, 87	28.2-106.....	80
24.2-501.....	84	29.1-301.....	68
24.2-502.....	5, 84	29.1-302.02.....	67
24.2-503.....	84	29.1-302.1.....	68
24.2-505.....	84	29.1-302.3.....	69
24.2-620.....	83	29.1-303.3.....	68
24.2-653.....	84	29.1-305.....	69
24.2-658.....	83	29.1-305.1.....	69
24.2-659.....	84	29.1-307.....	69
24.2-668.....	83	29.1-323.....	68
24.2-669.....	83	29.1-325.....	68
24.2-670.....	87	29.1-330.....	69
24.2-671.....	83	29.1-331.....	69
24.2-680.....	85	29.1-332.....	69
24.2-684.....	86	29.1-333.....	69
24.2-684.1.....	85	29.1-334.....	69
24.2-710.....	84	29.1-348.....	69
24.2-802.....	83	29.1-735.2.....	28, 69
24.2-803.....	84	30-13.....	93
24.2-805.....	84	30-138.....	6
24.2-806.....	84	30-34.4:1.....	6
25.1-205.1.....	17	30-34.4:5.....	6
25.1-210.....	17, 35	31-4.....	72
25.1-211.....	16	31-5.....	71
25.1-224.....	16	31-6.....	71, 83
25.1-229.....	17	31-6.1.....	71, 83
25.1-235.....	26	31-7.....	71
25.1-243.....	17	32.1-164.....	55
25.1-247.....	16	32.1-164.1.....	39
25.1-307.....	17	32.1-260.....	90
25.1-310.....	17	32.1-262.....	16
25.1-312.....	17	32.1-267.....	87
25.1-314.....	17	32.1-268.....	91
26-1.....	72, 83	33.1-122.....	54
26-1.1.....	72	33.1-124.....	16
26-1.2.....	70	33.1-147.....	92, 93
26-3.....	70	33.1-152.....	93
26-4.....	70	33.1-162.....	92
26-12.1.....	75, 76	33.1-333.....	85
26-12.3.....	70, 74	34-20.....	41
26-14.....	75	37.2-1007.....	86
26-16.....	76	37.2-1008.....	25
26-17.3.....	75	37.2-1011.....	72
26-18.....	78	37.2-1014.....	51, 64, 72
26-21.....	75	37.2-1019.....	72, 83
26-35.....	75	37.2-1021.....	72
26-37.....	75	37.2-1029.....	72
26-46.1.....	72	37.2-1047.....	86
26-46.2.....	73	37.2-1101.....	89
26-49.....	67	37.2-721.....	62, 64
26-50.....	73	37.2-814.....	12
26-59.....	70, 77	37.2-819.....	12
26-7.1.....	77	37.2-821.....	25, 52, 88
26-7.2.....	77	37.2-905.....	90
26-9.....	73	38.2-2411.....	93

38.2-2412.....	93	53.1-234.....	50
38.2-806.....	90	53.1-235.....	50
40.1-29.....	90	54.1-2409.....	19
40.1-49.4.....	88	54.1-2700.....	19
40.1-49.4(m).....	25	54.1-2709.4.....	19
42.1-65.....	94	54.1-2820.....	55
42.1-70.....	24, 94	54.1-2909.....	19
42.1-82.....	10	54.1-2917.....	19
42.1-85.....	9	54.1-3206.....	19
42.1-87.....	9	54.1-3810.....	19
42.1-90.1.....	9	54.1-3936.....	43
43-25.....	60	54.1-905.....	83, 89
43-29.....	63	55-17.1.....	54
43-3.....	60	55-50.....	54
43-4.....	60	55-57.1.....	54
43-4.1.....	8, 60, 61	55-58.1.....	59
43-42.....	60	55-59.....	67
43-43.....	60	55-66.01.....	58
43-66.....	63	55-66.1:1.....	58
43-68.....	60	55-66.3.....	57, 63
43-7.....	60	55-66.3:1.....	57
43-9.....	60	55-66.4.....	58
44-93.....	5	55-66.4:1.....	10, 57
45.1-161.320.....	17	55-66.4:2.....	60
45.1-246.....	62	55-66.5.....	58
46.2-208.....	18	55-66.6.....	57, 58
46.2-358.....	18	55-79.54(a).....	57
46.2-382.....	17	55-79.58.....	56
46.2-383.....	18, 48	55-79.59.....	57
46.2-386.....	18	55-79.80:1.....	63
46.2-392.....	18	55-79.84.....	63
46.2-395.....	48, 53	55-96.....	11
46.2-400.....	18	55-101.....	9, 63
46.2-447.....	18, 81	55-106.....	58
46.2-448.....	18, 81	55-106.1.....	95
46.2-449.....	18, 81	55-108.....	63
46.2-1079.....	92	55-109.....	66
46.2-1133(7).....	18	55-109.1.....	59
46.2-2821.....	98	55-110.....	66
47.1-4.....	95	55-111.....	59
47.1-8.....	95	55-113.....	58
47.1-9.....	96	55-114.....	59
49-12.....	79	55-114.1.....	59
49-13.....	82	55-115.....	59
49-14.....	70	55-118.1.....	59
49-3.....	78	55-118.2.....	59
49-4.....	79	55-137.1.....	9
53.1-116.....	48	55-138.....	55
53.1-116.3.....	44	55-140.....	39
53.1-120.....	24	55-141.....	55
53.1-124.....	51	55-142.01.....	9
53.1-150.....	28	55-142.1.....	60
53.1-219.....	50	55-142.3.....	60
53.1-221.....	81	55-142.4.....	60
53.1-222.....	34	55-156.....	54, 58
53.1-232.....	50	55-157.....	58

55-167.....	58	58.1-313.....	61
55-169.....	55	58.1-3138.....	31
55-175.....	55, 66, 90	58.1-314.....	29, 61
55-182.1.....	55, 66	58.1-3145.....	30
55-186.....	66	58.1-3146.....	30
55-203.....	93	58.1-3171.....	30
55-210.9:1.....	92	58.1-3173.....	29
55-210.9:2.....	2, 74	58.1-3174.....	29
55-210.12.....	74, 92	58.1-3175.....	29
55-210.14.....	74	58.1-3176.....	29
55-210.30.....	92	58.1-3177.....	74
55-218.1.....	66	58.1-3224.....	31
55-220.1.....	58	58.1-3226.....	31
55-245.....	54	58.1-3227.....	32
55-246.....	21	58.1-3300.....	31
55-285.....	58	58.1-3303.....	32, 55
55-344.....	62	58.1-3304.....	31
55-370.....	62	58.1-3310.....	32
55-516.....	62	58.1-3314.....	21, 31
55-518.....	63	58.1-3315.....	21, 31
56-13.....	67	58.1-3341.....	32
56-436.....	90	58.1-3360.1.....	32
58.1-109.....	92	58.1-3361.....	32
58.1-520.....	53	58.1-3377.....	31
58.1-801.....	21	58.1-3800.....	23
58.1-802.....	22	58.1-3804.....	23
58.1-803.....	21, 22	58.1-3805.....	30, 74
58.1-804.....	22	58.1-3806.....	30
58.1-805.....	22	58.1-3808.....	74
58.1-806.....	22	58.1-3833.....	86
58.1-807.....	22	58.1-3904.....	32, 56
58.1-808.....	22	58.1-3952.....	5
58.1-809.....	21, 22	58.1-3959.....	25
58.1-810.....	22	58.1-3965.....	32
58.1-811.....	21, 22, 23	58.1-3966.....	32, 81
58.1-812.....	21, 22, 23	58.1-3967.....	32
58.1-814.....	23	58.1-3971.....	23, 61
58.1-816.....	23	58.1-3981.....	31
58.1-817.....	21	58.1-3989.....	30
58.1-913.....	30	59.1-69.....	67
58.1-1712.....	30, 74	59.1-70.....	67
58.1-1714.....	30	59.1-74.....	67
58.1-1717.....	30, 74	59.1-94.....	97
58.1-1717.1.....	74	59.1-99.....	97
58.1-1718.....	30, 74	59.1-103.....	97
58.1-1727.....	23	59.1-109.....	97
58.1-1728.....	23	59.1-115.....	97
58.1-1729.....	23, 33	59.1-391.....	86
58.1-1804.....	29	59.1-479.....	8
58.1-1805.....	29, 61	59.1-480.....	12
58.1-1826.....	30	62.1-44.15:01.....	56
58.1-2020.....	29	63.2-507.....	20
58.1-2021.....	29, 61	63.2-1201.....	20
58.1-2284.....	31	63.2-1209.....	15
58.1-3018.....	62	63.2-1211.....	15
58.1-3122.....	30	63.2-1213.....	15



63.2-1228.....	15	64.1-128.....	77
63.2-1238.....	15	64.1-131.....	76
63.2-1245.....	15	64.1-134.....	75
63.2-1246.....	15	64.1-135.....	75
63.2-1248.....	15	64.1-177.....	77, 83
63.2-1927.....	62	65.2-202.....	88
63.2-1943.....	97	Rule 1:15.....	33
64.1-56.....	78	Rule 1:4(h).....	33
64.1-73.....	78	Rule 1A:4.....	24
64.1-75.1.....	71	Rule 3:2.....	33
64.1-77.....	76	Rule 3:4.....	33
64.1-78.....	77	Rule 3:5.....	35
64.1-79.....	77	Rule 3:6.....	35
64.1-87.1.....	78	Rule 3:14.....	36
64.1-87.2.....	78	Rule 3:16.....	36
64.1-92.....	78	Rule 3:23.....	12, 36
64.1-93.....	71	Rule 3A:12.....	46
64.1-94.....	75	Rule 3A:7.....	44
64.1-107.....	76	Rule 4:9(A).....	36
64.1-116.....	71	Rule 5:10.....	40
64.1-118.....	71	Rule 5:13.....	40, 49
64.1-119.....	71, 83	Rule 5:17.....	40
64.1-120.....	77	Rule 5A:10.....	50
64.1-121.....	71	Rule 5A:10(a).....	40
64.1-122.....	71	Rule 5A:10(f).....	40
64.1-122.1.....	77	Rule 5A:7.....	40
64.1-122.2.....	71		