

Using This Revisable PDF Form

1. Prepared by plaintiff except as to acknowledgement; acknowledged by clerk or magistrate.
2. Attachments
 - a. List of facts supporting the grounds of attachment.
 - b. District court form, DC-446, ATTACHMENT SUMMONS.
 - c. District court form, DC-447, ATTACHMENT – PLAINTIFF’S BOND FOR LEVY OR SEIZURE.
3. Preparation details
 - a. The facts listed in the list of facts must support the legal basis (grounds of attachment) listed in Data Element No. 22.
 - b. In Data Element No. 24, the last check box may be checked along or in combination with either other check box in Data Element No. 24.

ATTACHMENT PETITION

Virginia Code §§ 8.01-537, 16.1-105, 46.2-613.4, 46.2-1134

CASE NO. 1

2
COURT NAME

3
PLAINTIFF(S)/PETITIONER

v. 5
PRINCIPAL DEFENDANT(S)

4
ATTORNEY FOR PLAINTIFF(S)

6
CO-DEFENDANT(S)

STATEMENT

{ Debt or damages (II.a.)	\$ <u>7</u>
{ Interest at _____ % to Hearing Date	\$ <u>8</u>
{ Specific Personal property (I.a.)	\$ <u>9</u>
{ Detention Damages (I.c.)	\$ <u>10</u>
Bond Premium (if any)	\$ <u>11</u>
Attorney's Fee (by contract)	\$ <u>12</u>
Court Fees and Costs	\$ <u>13</u>
Storage (estimated to hearing date)	\$ <u>14</u>
TOTAL CLAIMED	\$ <u>15</u>

PLAINTIFF(S) – claims against Principal Defendant(s) are to recover

16 I. Specific personal property (estimated fair value shown in STATEMENT):

a. 17
DESCRIPTION OF PROPERTY (Including Kind and Quantity)

b. 18
CHARACTER OF ESTATE CLAIMED BY PETITION (Petitioner's Interest in the above Property)

c. Damages to which the plaintiff(s) – petitioner(s) is entitled to recover for its detention as shown in STATEMENT.
OR

19 II. A debt or damages (amount shown in STATEMENT):

- a. debt due and owing based on a contract and which will be due and owing on
- 20** damages for a breach of contract, express or implied
- damages for a wrong
- judgment for which no supersedeas or other appeal bond has been posted

21 b.
DETAILS OF PLAINTIFF-PETITIONER'S CLAIM

PLAINTIFF(S)/PETITIONER – states that the prerequisite Ground for Attachment number 22 [from list on back] is present in this case and a list of facts supporting this ground is attached and incorporated into this petition. PLAINTIFF(S) therefore request the following specific relief (if any):

23 levy levy and take into possession (seize) } the following property:
 the property described in I.a., above

24 with estimated fair market value of \$
 such property in the estate of the principal defendant(s) as will satisfy the amount shown in TOTAL CLAIMED at right and such other relief as may be required and appropriate.

The statements above are true and accurate to the best of my knowledge and belief.

Acknowledged, subscribed and sworn to before me this day.

26

DATE

25

PLAINTIFF PLAINTIFF'S AGENT PLAINTIFF'S ATTORNEY DMV AGENT

27

CLERK MAGISTRATE

NOTARY PUBLIC: My commission expires:

Data Elements

1. Court case number.
2. Court name.
3. Name(s) and street address(es) of plaintiff(s)/petitioner.
4. Insert name(s) of petitioner's/plaintiff's attorney(s).
5. Name(s) and street address(es) of principal defendant(s).
6. Name(s) and street address(es) of co-defendant(s).
7. Insert amount of debt or damages if applicable.
8. Insert amount and rate of interest (if any).
9. Insert fair value of property if applicable.
10. Insert amount (if any) for claimed damages for unlawful detention.
11. If surety is used to secure ATTACHMENT – PLAINTIFF'S BOND FOR LEVY OR SEIZURE, form DC-447, include bond premium.
12. If claim involves a contract of debt obligation allowing attorney's fees to be collected, insert estimated attorney's fees.
13. Insert estimated court fees and costs if actual fees are not known; otherwise, use actual fees.
14. Insert estimated storage fees.
15. Insert total amount claimed.
16. If plaintiff is suing to recover specific property, check this box and complete Data Element Nos. 17 and 18.
17. Describe in detail the property which plaintiff seeks to recover.
18. Describe plaintiff's interest in the property described in Data Element No. 3.
19. If plaintiff is seeking to recover a debt or damages, check this box and complete Data Element Nos. 20 and 21.
20. Check the appropriate boxes and (if applicable) insert the due date to show the nature of the debt or damages.
21. Insert details of the claim described in Data Element No. 7.
22. Insert number from page 2 of this form stating legal basis of grounds of attachment.
23. Check specific type of action sought by the plaintiff.
24. Check (and complete if appropriate) the description of property to be attached. See Using This Form, 4.b.
25. Signature of plaintiff or his agent or attorney. Check the appropriate title box below the signature line.
26. Date of acknowledgement. (Completed by person taking the acknowledgement.)
27. Signature of person taking the acknowledgement. (Completed by person taking the acknowledgement.)

A. The principal defendant or one of the principal defendants:

- A. (1) Is a foreign corporation, or is not a resident of this Commonwealth, and has estate or has debts owing to such defendant within the county or city in which the attachment is, or that such defendant being a nonresident of this Commonwealth, is entitled to the benefit of any lien, legal or equitable, on property, real or personal, within the county or city in which the attachment is. The word "estate," as herein used, includes all rights or interest of a pecuniary nature which can be protected, enforced, or proceeded against in courts of law or equity;
- A. (2) Is removing or is about to remove himself out of this Commonwealth with intent to change his domicile;
- A. (3) Intends to remove, or is removing, or has removed the specific property sued for, or his own estate, or the proceeds of the sale of his property, or a material part of such estate or proceeds, out of this Commonwealth so that there will probably not be therein effects of such debtor sufficient to satisfy the claim when judgment is obtained therefor should only the ordinary process of law be used to obtain the judgment;
- A. (4) Is converting, is about to convert or has converted his property of whatever kind, or some part thereof, into money, securities or evidences of debt with intent to hinder, delay or defraud his creditors;
- A. (5) Has assigned or disposed of or is about to assign or dispose of his estate, or some part thereof, with intent to hinder, delay or defraud his creditors;
- A. (6) Has absconded or is about to abscond or has concealed or is about to conceal himself or his property to the injury of his creditors, or is a fugitive from justice.

The intent mentioned in Subdivision A(4) and A(5) above may be stated either in the alternative or conjunctive.

B. The specific personal property sought to be levied or seized:

- B. (1) Will be sold, removed, secreted or otherwise disposed of by the defendant, in violation of an obligation to the plaintiff, so as not to be forthcoming to answer the final judgment of the court respecting the same; or
- B. (2) Will be destroyed, or materially damaged or injured if permitted to remain in the possession of the principal defendant or one of the principal defendants or other person or persons claiming under them.

C. In an action for rent, there is an immediate danger that the property subject to the landlord's lien for rent will be destroyed or concealed.