

**DISTRESS PETITION**

Virginia Code §§ 55-230, 55-232.1

CASE NO. \_\_\_\_\_

\_\_\_\_\_  
COURT NAME

\_\_\_\_\_  
PLAINTIFF(S)

V.

\_\_\_\_\_  
PRINCIPAL DEFENDANT(S)

\_\_\_\_\_  
ATTORNEY FOR PLAINTIFF(S)

\_\_\_\_\_  
CO-DEFENDANT(S)

**STATEMENT**

Rent \$ \_\_\_\_\_  
 Bond Premium (if any) \$ \_\_\_\_\_  
 Attorney's Fee (by contract) \$ \_\_\_\_\_  
 Court Fees and Costs \$ \_\_\_\_\_  
 Storage (estimated to hearing date) \$ \_\_\_\_\_  
**TOTAL CLAIMED** \$ \_\_\_\_\_

I. Plaintiff(s)' claims against principal Defendant(s) are to recover rent from within five (5) years from the time that it became due to the date of this petition, which was reserved upon contract, in the amount of

(a)  \$ \_\_\_\_\_ (b)  \_\_\_\_\_  
(DESCRIPTION AND VALUE)

II. The items of property subject to distraint are:

- (a)  All non-exempt items of personal property are located at the address of the principal defendant(s) listed below
- (b)  The following items of personal property

\_\_\_\_\_ which are located at

- the address of the co-defendant(s) listed below
- \_\_\_\_\_

PLAINTIFF(S)--states that the prerequisite Grounds for Attachment number \_\_\_\_\_ (from list on Page Two) is present in this case and a list of facts supporting this grounds is attached and incorporated into this petition.

PLAINTIFF(S)--therefore requests the following specific relief (if any):

- levy
  - levy and take into possession (seize)
- } the following property:

- the property described in II(b), above with an estimated fair market value of \$ \_\_\_\_\_
- such property in the estate of the principal defendant(s) as will satisfy the amount shown in TOTAL CLAIMED above

and such other further 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.

\_\_\_\_\_  
 PLAINTIFF     PLAINTIFF'S AGENT     PLAINTIFF'S ATTORNEY

\_\_\_\_\_  
DATE

\_\_\_\_\_  
 CLERK     MAGISTRATE     JUDGE

NOTARY PUBLIC: My commission expires: \_\_\_\_\_

**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 therefore 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.**