

APPLICATION FOR REMOVAL TO CIRCUIT COURT

Commonwealth of Virginia VA. CODE §§ 8.01-127, 8.01-127.1, 8.01-195.4; 16.1-92, 16.1-122

..... General District Court

..... STREET ADDRESS OF COURT

AFFIDAVIT OF GROUNDS OF SUBSTANTIAL DEFENSE

The Affiant named below this day made oath that:

1. The amount in controversy in this matter exceeds:

- (a) Unlawful detainer — \$500, and the case involves a default in rent.
- (b) Unlawful detainer where the case does not involve a default in rent in a residential tenancy, regardless of amount in controversy.
- (c) Virginia Tort Claims Act — \$1,000 exclusive of interest, attorneys' fees and costs.
- (d) All other cases — \$3,000 exclusive of interest, attorney's fees contracted for in the instrument, and costs.

- and
- 2. This request is made on or before the return day of the process, or within ten days after such return day, if trial of the case has not commenced and if judgment has not been rendered; and
- 3. The defendant has a substantial defense to the cause of action set forth at right, exclusive of the sole issue of the amount or computation of damages, namely:

GROUND OF DEFENSE

- The Affiant has given or offers security for all rent which has accrued and may accrue upon the premises at issue, but for not more than one year's rent in all, and also for damages that have accrued or may accrue from an unlawful use and occupation of these premises.

The defendant requests the said matter to be removed to the Circuit Court of

..... NAME OF COURT

..... DATE

..... SIGNATURE

- DEFENDANT
- DEFENDANT'S AGENT
- DEFENDANT'S ATTORNEY

The AFFIDAVIT was subscribed and sworn to before me this day:

..... DATE

- CLERK
- NOTARY PUBLIC

My commission expires

Upon filing this Affidavit, the defendant has paid:

- a. All costs accrued to the time of removal,
- b. The writ tax as required by law, and
- c. The costs required to be paid in the Circuit Court to which the matter is to be removed.

CASE NO.

APPLICATION FOR REMOVAL TO CIRCUIT COURT

..... PLAINTIFF

..... ADDRESS

..... V.

..... DEFENDANT

..... ADDRESS

ATTORNEY FOR DEFENDANT:

..... ATTORNEY

..... ADDRESS

..... TELEPHONE NUMBER

ORDER

It is hereby ordered that this case is removed to the Circuit Court of

..... DATE

..... JUDGE