



GENERAL ORDER

Loudoun County Sheriff's Office

Chapter: Operations

Section: 412.9

Subject: Court Security/Civil Process

Topic: Civil Enforcement Levies

Accreditation: OPR.12.05

Revised:

Reaffirmed:

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I. PURPOSE

The purpose of this General Order is to provide guidelines for the execution of levies in accordance with all applicable sections of the Code of Virginia.

II. POLICY

It is the policy of the Corrections/Court Services Division to execute all levies in a timely manner and in accordance with all applicable sections of the Code of Virginia.

III. DEFINITIONS

Fieri Facias: (fi-fa): A writ of execution in which the Sheriff, or his/her designee, is commanded to levy and make the amount of judgment from the goods and chattels of the judgment debtor.

Levy: The means by which property is seized or the party in possession of the property is made aware of a claim by the judgment creditor against the property with intent to seize and/or sell at a later date.

IV. PROCEDURES

A. Office Procedures for Writs of Fieri Facias

1. When a writ of Fieri Facias comes into the possession of the Sheriff, Civil Enforcement Section support staff must immediately endorse it with the date and time of receipt. This procedure establishes the date of the lien and priority of writs against the judgment debtor. Failure to properly endorse a writ of execution may cause the Sheriff to be liable for a percentage of the judgment.
 - a. Levies received on the same day, for the same property will, where operationally feasible, be executed in order of receipt
 - b. If more than one levy is received at the same time, they will be satisfied ratably (all equally)
2. Check for obvious errors, i.e.: correct address, proper authority, proper bonds, (if required), etc.

B. Service Procedures

1. The deputy sheriff shall levy according to the applicable provisions of the Code of Virginia.
2. The deputy sheriff shall attempt to levy enough goods and chattels to satisfy the judgment. The value of the levied goods shall be based on fair market value, not on estimated retail value, with the exception of motorized vehicles when fair market value shall be used.
3. The deputy sheriff shall try to avoid levying on items that are valued well in excess of the amount of the levy.
4. When a deputy is assigned a Writ of Fieri Facias, he or she shall attempt service as soon as possible. In the event service cannot be effected within thirty days, the assigned deputy shall note on the Control Form the reason for the delayed service as well as make notification to the Civil Enforcement supervisor.
5. A deputy sheriff may force entry to execute a levy, but only during daylight hours and only after giving the judgment debtor at least 24 hours' notice. Entry shall be forced only with a locksmith employed by the plaintiff/judgment creditor. The premises shall be secured after the deputy sheriff executes the levy. All forced entries shall be coordinated with the Section Supervisor or designee.
6. In certain cases, a bond indemnifying the Sheriff may be required. It is the deputy's responsibility to ensure the bond is obtained and is in the appropriate amount prior to executing the levy.
7. When a question of ownership arises, the deputy shall not allow third-party claims to interfere with or stop the levy once the plaintiff secures a legal bond. The deputy may advise the claimant that his or her relief lies in the court and that legal counsel should be sought.
8. Civil enforcement executions shall stop immediately if a defendant files a petition in bankruptcy. The deputy shall try to verify bankruptcy prior to making the return to court, however, this cannot always be done. The defendant's statement of bankruptcy filing is sufficient for the deputy to cease execution.
9. All levies shall be executed according to the Code of Virginia. Deputies shall cancel a scheduled levy if instructed to do so by the plaintiff/judgment creditor or court, or if the defendant informs the deputy of a pending bankruptcy of a forthcoming bond. If a levy is

returned as "No Property Found," a written explanation must be provided on the Control Form as well as on paperwork returned to the court.

10. At no time shall a deputy sheriff act as a negotiator, arbitrator, or advisor between a plaintiff, defendant, or an interested third party. The deputy shall simply execute all levies in accordance with the Code of Virginia.

C. Property Management

1. In normal circumstances, sworn deputies who levy upon or attach property in accordance with a legal court order, do not take possession or seize the property until the actual day of a public auction. This property is sold at the defendant's residence or business site and not transported elsewhere, unless directed by the court.
2. All property that is seized pursuant to a civil process shall be transported and securely stored at the plaintiff's expense prior to the public auction. The plaintiff shall make arrangements for transportation to a storage unit approved by the deputy. The Sheriff's Office does not have a designated storage facility. The Sheriff shall be provided with the sole means of access to the stored property and shall be the only party in control of the property prior to the Sheriff's Sale. The Civil Enforcement Section deputy shall inventory seized property. A copy of this inventory shall be mailed or served on the defendant.
3. All property seized, found, forfeited, and/or sold or destroyed shall be disposed of in accordance with the Code of Virginia, Codified Ordinances of Loudoun County, and/or orders of the courts. Sheriff's Sales shall be conducted in accordance with section §8.01-492 of the Code of Virginia, and/or applicable laws and court orders.