



COMMONWEALTH of VIRGINIA

Office of the Attorney General

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Attorney General

November 24, 2010

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The Honorable Bill Watson
Sheriff, City of Portsmouth
701 Crawford Street
Portsmouth, Virginia 23704-3888

Dear Sheriff Watson:

I am responding to your request for an official advisory opinion in accordance with § 2.2-505 of the *Code of Virginia*.

Issue Presented

You inquire under § 17.1-272 what amount you may charge for serving and executing writs of possession, writs of fieri facias in detinue and fieri facias.

Response

It is my opinion that § 17.1-272 authorizes you to charge an initial fee of \$25 for service of a writ of possession and to add \$12 to that fee for each additional defendant who is served.

Applicable Law and Discussion

Section 17.1-272(A)(1) authorizes a fee of \$12 for "service on any person, firm or corporation, an order, notice, summons or any other civil process." Therefore, the default fee established in the Code for service of papers is \$12.¹ Section 17.1-272(B) allows a \$25 fee for "process and service" with respect to "service of a writ of possession, except that there shall be an additional fee of \$12 for each additional defendant." Therefore, with respect to a writ of fieri facias, the fee is \$12 for each person or entity served. The fee for service of a writ of possession is \$25, but where an additional defendant must be served, an additional \$12 fee may be charged. Therefore, when a single defendant is served with a writ of possession, the total fee is \$25.

Conclusion

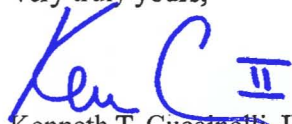
Accordingly, it is my opinion that the fee for process and service of a writ of fieri facias and fieri facias in detinue is \$12 for each person served and the fee for service and process for a writ of possession is \$25, with an additional fee of \$12 for each additional defendant who is served.

¹ Virginia Form CC-1478 ("Writs of Possession and Fieri Facias in Detinue"), issued by the Supreme Court of Virginia, contains both the writ of possession and writ of fieri facias within one document, contemplates simultaneous service and alternative execution of the writs, and thus the service fee for the writ of fieri facias in detinue is subsumed within the fee for the writ of possession unless the writ of fieri facias in detinue is served alone in a particular case.

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With warmest regards, I am

Very truly yours,

A handwritten signature in blue ink, appearing to read "Ken C II". The signature is stylized with a large "K" and "C", and the Roman numeral "II" is written to the right of the "C".

Kenneth T. Cuccinelli, II
Attorney General