Virginia Small Claims Filing Checklist (November 2026)

From the limit to collecting a judgment

Va. Code means the Code of Virginia. Virginia Courts means the Virginia courts' small claims procedures guide. Guide: clearlegaltips.com/virginia-small-claims-court/ Check each box as you finish the step and fill in the blanks as you go.

1. CHECK YOUR CLAIM

[ ] My claim is for money or specific personal property and does not exceed $5,000, not counting interest (Va. Code § 16.1-122.2).

Amount I am claiming ($): _____

2. PICK THE COURT AND THE PARTIES

[ ] I will file with the clerk of the general district court where the defendant lives or works, where a business defendant has its office or agent, or where the cause of action arose (Va. Code § 8.01-262).

Court I am filing in: _____

Defendant's exact name and street address (a post office box alone is not enough for service): _____

3. CHECK THE DEADLINE TO SUE

Date my claim arose: _____

Signed written contract: five years. Unwritten or unsigned contract: three years (Va. Code § 8.01-246(A)). Sale of goods: four years (Va. Code § 8.2-725).

4. FORMS AND FEE

[ ] Form DC-402 for money, or Form DC-404 for specific personal property, with two extra copies: one to keep and one to mail (Virginia Courts).

The fee depends on the court. Example: on 15 Nov. 2026 the Virginia courts' fee calculator showed $52.00 in court charges for a small claims warrant in Fairfax County, plus $12.00 for each defendant served by the sheriff ($64.00 for one). I will run my own court in the calculator (vacourts.gov/gdfees_calc_app).

Total fees the calculator or my clerk quoted ($): _____

[ ] If I cannot pay because of poverty, I will ask the court to allow the suit without fees or costs, on Form DC-409 (Va. Code § 17.1-606(A)).

5. HEARING AND SERVICE

Hearing date I chose (at least five days after service, subject to the clerk; Va. Code § 16.1-122.3(B)): _____

[ ] A sheriff's deputy or private process server will serve the defendant. I will mail a copy by first-class mail at least ten days before the first court date and complete Form DC-413 (the

courts recommend it; before a default judgment on a warrant that was posted, the plaintiff must certify the mailing) (Virginia Courts).

[ ] I will bring the contract, receipts, messages and photos, and any witnesses. To subpoena a witness I will file Form DC-325 at least ten days before trial (Virginia Courts).

6. AT THE HEARING

[ ] I will prove that I am entitled to win and the amount due. The trial is held on the first return date unless all parties agree or the court orders otherwise (Va. Code § 16.1-122.3(E)).

7. AFTER THE JUDGMENT

Judgment date: _____

Last day for a notice of appeal (10 days after judgment; Va. Code § 16.1-106(A)): _____

Last day for an appeal bond and the writ tax and costs (30 days after judgment; Va. Code § 16.1-107(A), (E)): _____

Last day to move for a new trial in the district court (30 days after judgment; Va. Code § 16.1-97.1(A)): _____

[ ] If I was sued and missed the hearing, I asked a lawyer or the clerk's office which route fits: a new-trial motion (Form DC-434 is the Virginia courts' motion to set aside a default judgment) or the grounds in Va. Code § 8.01-428(A), with two years for fraud on the court.

8. IF I WON AND THE DEFENDANT DOES NOT PAY

[ ] I waited 21 days after the judgment before asking the clerk for a writ of fieri facias (Va. Code § 8.01-466).

[ ] For wages or a bank account I will use a garnishment summons. It names one garnishee and one debtor, shows the TOTAL BALANCE DUE and says whether it targets earnings or other property (Va. Code § 8.01-511).

[ ] I know the debtor's protections: a wage cap (Va. Code § 34-29), a protected bank balance of up to $1,000 and protected benefit deposits (Va. Code §§ 34-4.3, 34-4.4), and the householder exemption (Va. Code § 34-4).

Date I entered satisfaction after being paid (within 30 days; Va. Code § 8.01-454): _____

INSTRUCTIONS FOR USE

This checklist is general information, not legal advice. Fees vary by court. HB 364 would raise the small claims limit to $25,000 but was In Committee on 14 November 2026. Check the Code of Virginia and ask the clerk before you rely on a deadline.