

# The Legal Department

Special Procedures  
Collections Actions

**tacs**

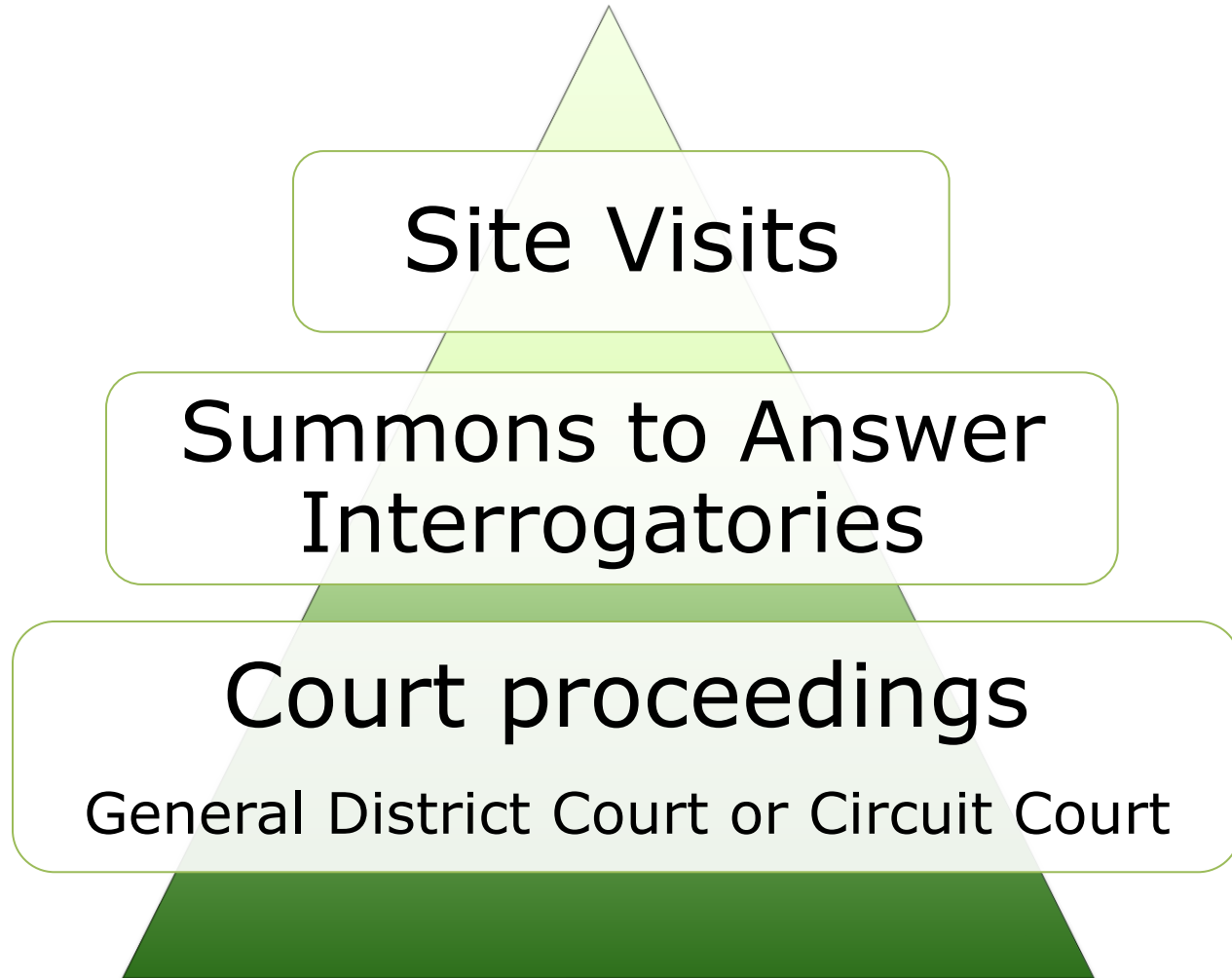
# Why do we use special procedures collection actions?

Because



have been unsuccessful

What are some of our special procedures collections tools?



# What is the goal of using special procedures collections tools?



Bring people to the table



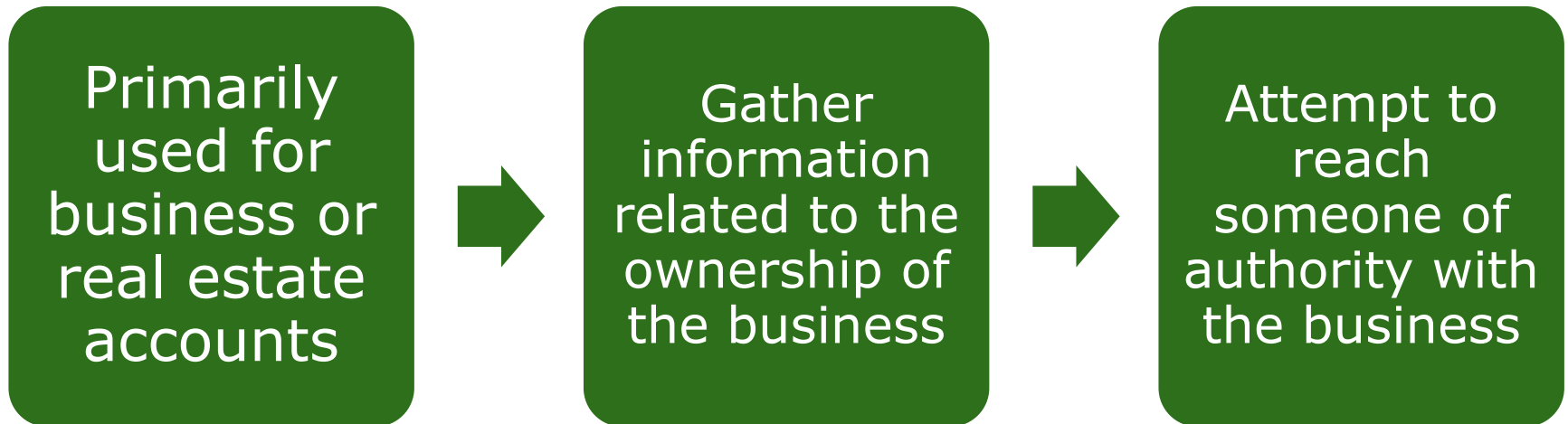
Get the taxes paid



Secure the debt

# Site Visits

What are they and how do they help with collections?



# Site Visits

What you may find...



# Site Visits

What you may find...



# Site Visits

## What you may find...





# Summons to Answer Interrogatories

“Summonses” “Interrogatories” or “Rogs”

VA CODE § 58.1-3128



Who?

- The treasurer or their agent (collector) may

What?

- Summon the taxpayer or any other person with information related to the tax liability

Why?

- To appear and answer questions, produce documents, and make payment or payment arrangement

# Summons Process

## Types of Accounts

Personal Property

Business License

NOT FDCPA

Real Estate

Trust Taxes

# How are the taxpayers selected?

## Amount due

- Higher dollar accounts first

## Years delinquent

- “Next-to-fall-off” tax years

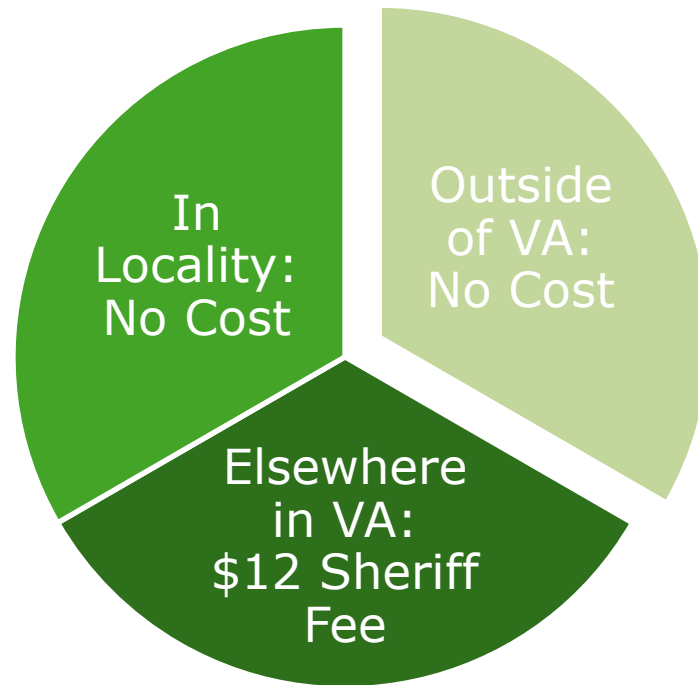
## Recommendations from Collections Department or Locality

## Collection history of the account

- Letters, phone calls, defaulted payment plans, dried up lien sources, etc.

# Summons Process

## Costs Involved for Service of Process



NOTE: you will be invoiced for any costs incurred for service of process. However, we add these charges to our system, recoup them from the taxpayer, and remit them first from any money paid.

# Summons Process

## SUMMONS TO ANSWER INTERROGATORIES

TAXPAYER NAME

TACS#

TAXPAYER ADDRESS  
CITY, ST ZIP

Return Date: **October 1, 2024**  
1:00 PM EST

**TO ANY SERVING OFFICER:** Serve this Summons on the party listed above then return a copy of this Summons, with service noted, to the undersigned counsel.

**TO THE RESPONDENT:** You are commanded to appear on the date and time noted above at a virtual meeting at <http://summons.taxva.com> (see attached for instructions), pursuant to code of Virginia §58.1-3128 to answer interrogatories related to and concerning certain delinquent taxes owed to the <Client Name>. The delinquent taxes have either been assessed in your name or it is believed that you may possess important information regarding the tax liability. Any person who fails to appear or refuses to answer, under oath, questions touching the tax liability may be charged with a Class 4 misdemeanor or may be compelled to answer such questions before a court of competent jurisdiction.

**IN LIEU OF APPEARING** at said date, time and place, you may make appropriate arrangements with the undersigned to resolve this matter without the necessity of an appearance.

CLIENT NAME  
By Counsel

Jeffrey A. Scharf, Esq. (VSB No. 30591)  
Mark K. Ames, Esq. (VSB No. 27409)  
John A. Rife, Esq. (VSB No. 45805)  
Andrew M. Neville, Esq. (VSB No. 86372)  
Taxing Authority Consulting Services, PC  
P.O. Box 31800  
Henrico, Virginia 23294  
Phone: (804) 545-2500  
Facsimile: (804) 545-2342  
[legal@taxva.com](mailto:legal@taxva.com)

RETURNS: Each defendant was served according to law, as indicated below, unless not found.

NAME TAXPAYER NAME

ADDRESS TAXPAYER ADDRESS

CITY, ST, ZIP

PERSONAL SERVICE

Tel. No. ....

Being unable to make personal service, a copy was delivered in the following manner:

Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode of party named above after giving information of its purport. List name, age of recipient, and relation of recipient to party named above.

Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above. (Other authorized recipient not found)

Served on Secretary of the Commonwealth

NOT FOUND

Serving Officer

for

Date



# Summons Process

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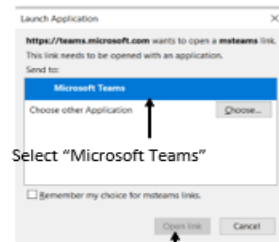


Taxing Authority Consulting Services, P.C.  
Attorneys At Law

Please be advised that you have been summoned to appear to answer questions regarding delinquent taxes due to <Client Name>.

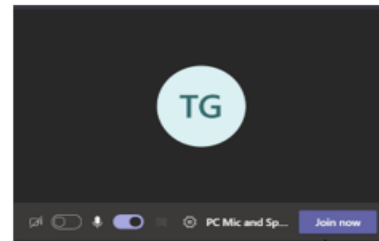
We have established a procedure that will allow you to appear virtually. To do so, please visit <http://summons.taxva.com> on your scheduled date and time to be connected to your virtual appointment.

Type <http://summons.taxva.com> into your web browser on your computer, tablet or smartphone:



Select "Microsoft Teams"

Click "Open link"



Click "Join Now"

**Note:** *If you do not have computer or internet access you can call 1-804-215-2338. Enter the Phone Conference ID: 731 272 752# to join the meeting.* You will be granted access to the meeting by the attorney.

Alternatively, you may be excused from appearing entirely if you email or call us ahead of time to discuss the debt and/or make payment arrangements. We may be reached by phone at 804-980-7161, or by email at [legal@taxva.com](mailto:legal@taxva.com).

# Summons Process

What happens BETWEEN Filing and the Summons date?

## Summons are Mailed and Served

- Taxpayer response
- Other/No response

## Resolution of Account?

- Payment or Dispute
- New Information/Address/Email/Bank/Employer

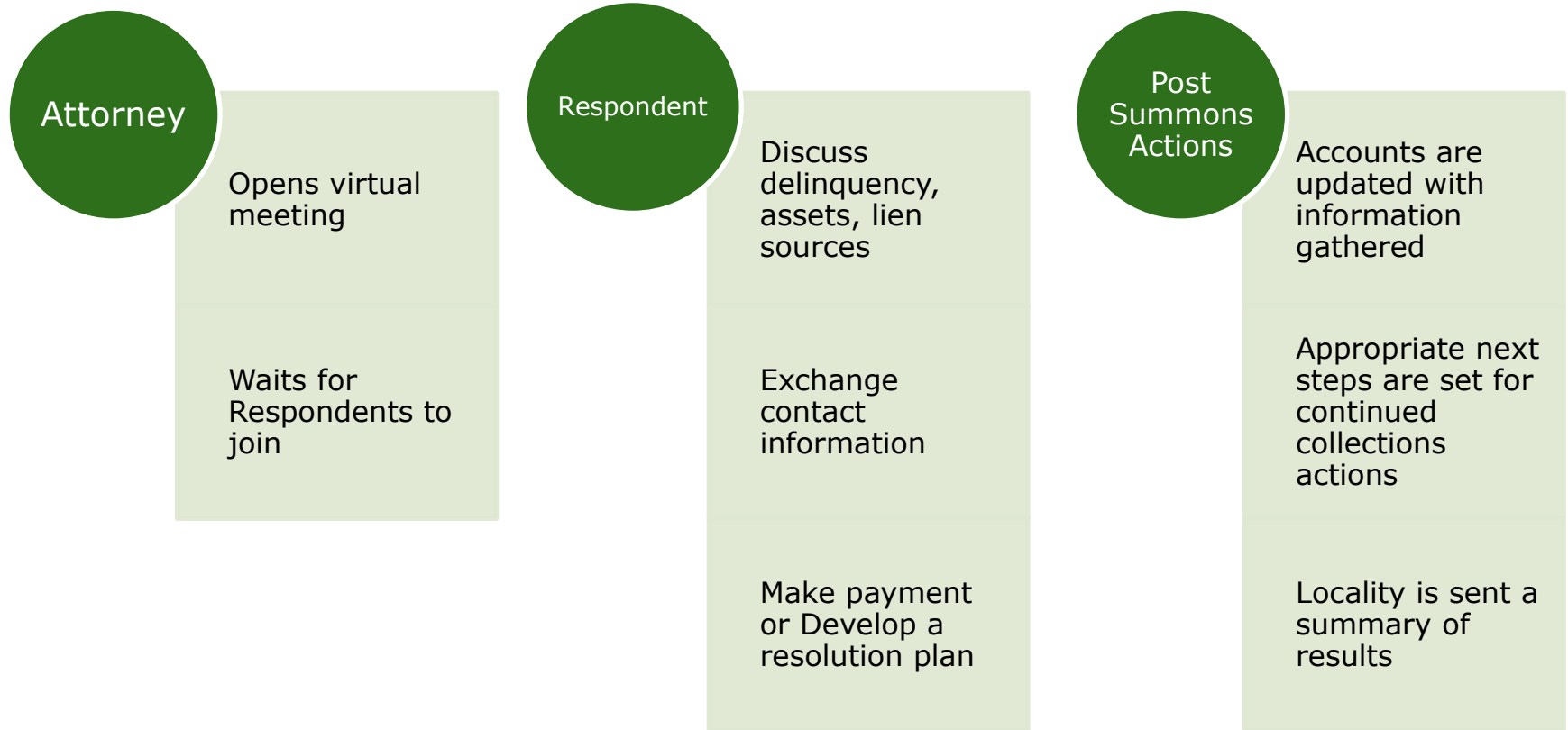
## Excused from Appearing vs. Required to Appear

- Fully/Mostly Resolved
- No Contact or Resolution

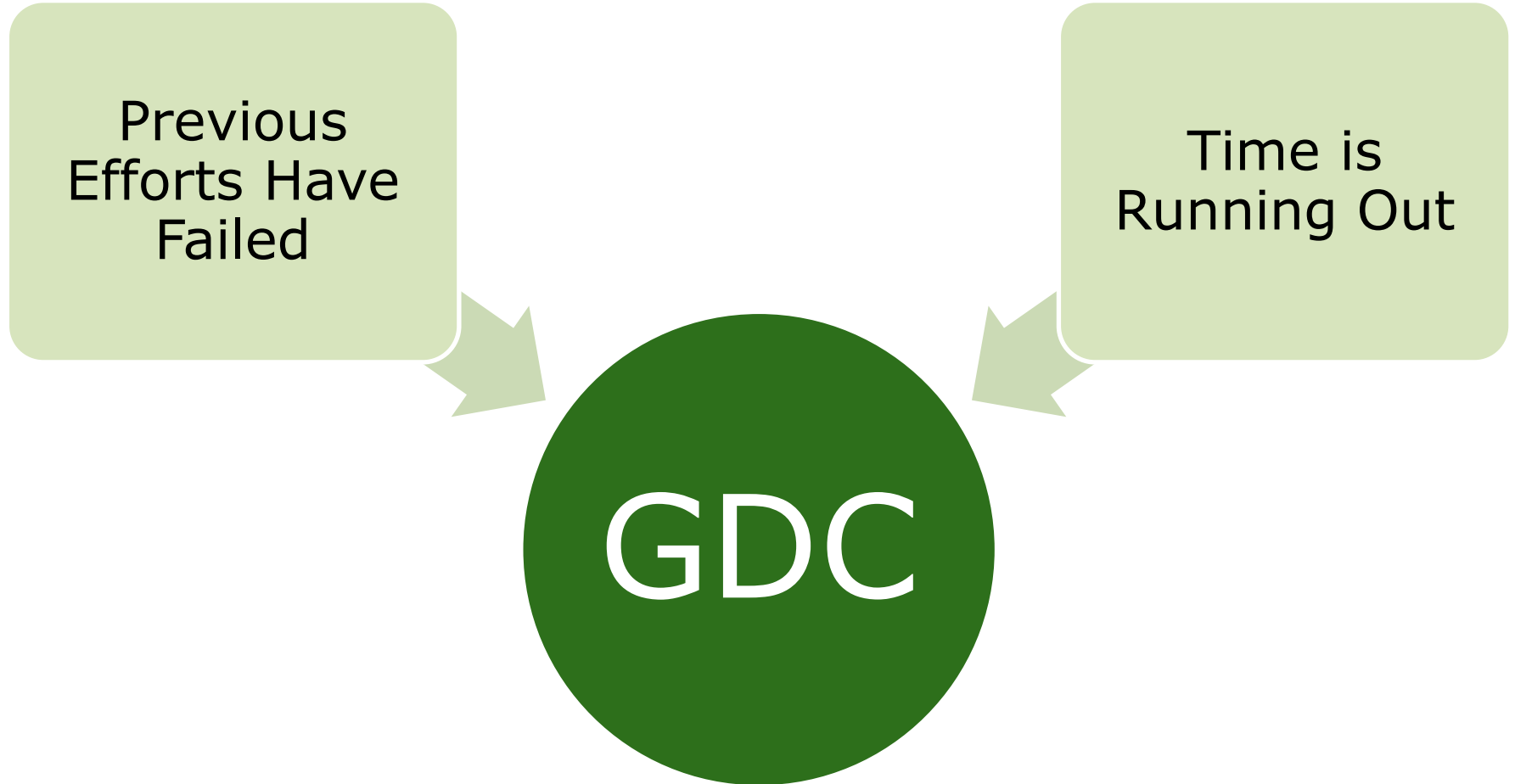


# Summons Process

What happens ON the Summons date?



# When GDC is the best Next Step



# What can be brought in GDC?

## **General District Court**

Accounts with a TPI balance of \$25,000 or less.

## **Circuit Court**

Accounts greater than \$4,500 may be brought in Circuit Court.

Accounts with a balance less than \$4,500 must be brought in GDC.

Accounts greater than \$25,000 must be brought in Circuit Court.

# How are the taxpayers selected for Court Actions?

Taxpayer did not appear for the summons or did not follow through with any agreements and there are no lien sources

Amount due

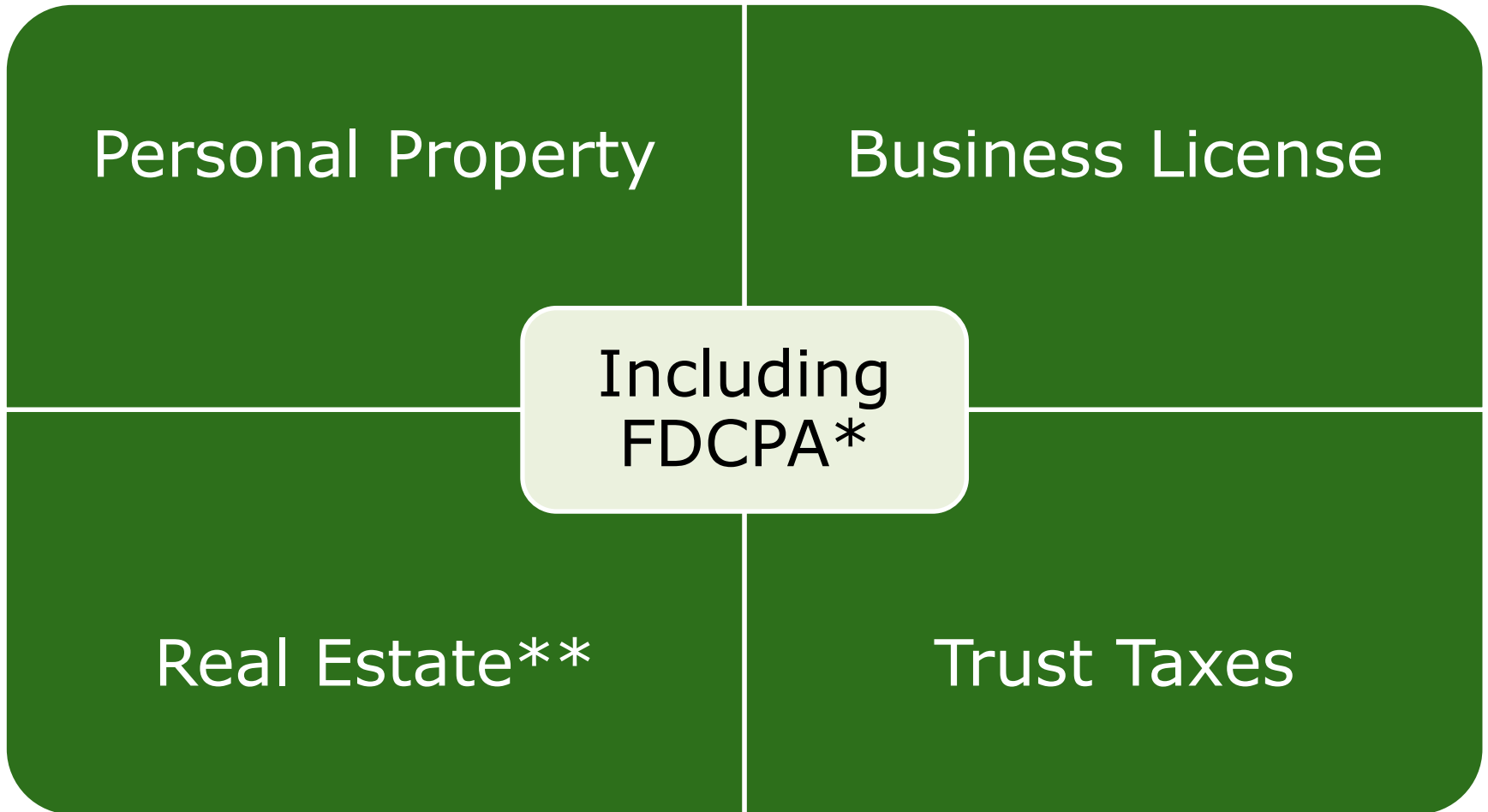
Years delinquent

Recommendations from Collections  
Department or Locality

Collection history of the account

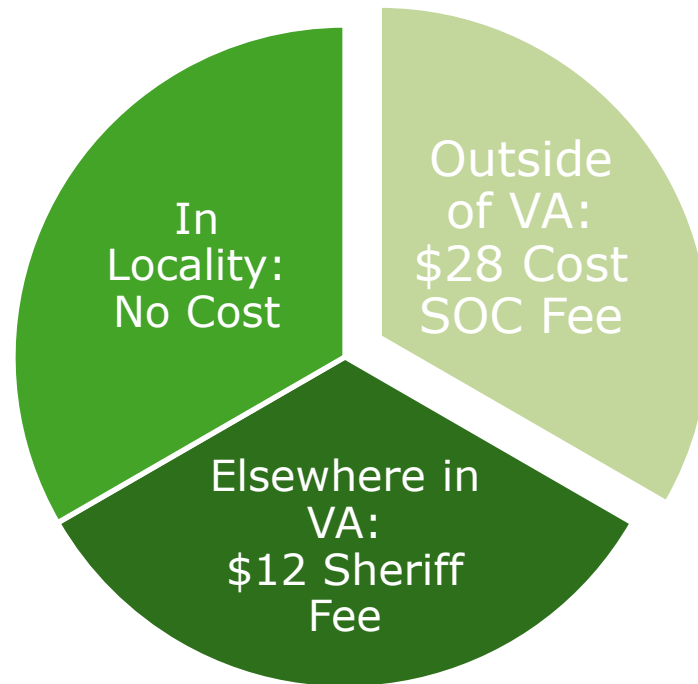
# GDC Process

## Types of Accounts



# GDC Process

## Costs Involved for Service of Process



NOTE: you will be invoiced for any costs incurred for service of process. However, we add these charges to our system, recoup them from the taxpayer, and remit them first from any money paid.

# GDC Process

What happens BETWEEN Filing and the Return Date?

## Warrants-in-Debt are Mailed and Served

- Taxpayer response
- Other/No response

## Resolution of Account?

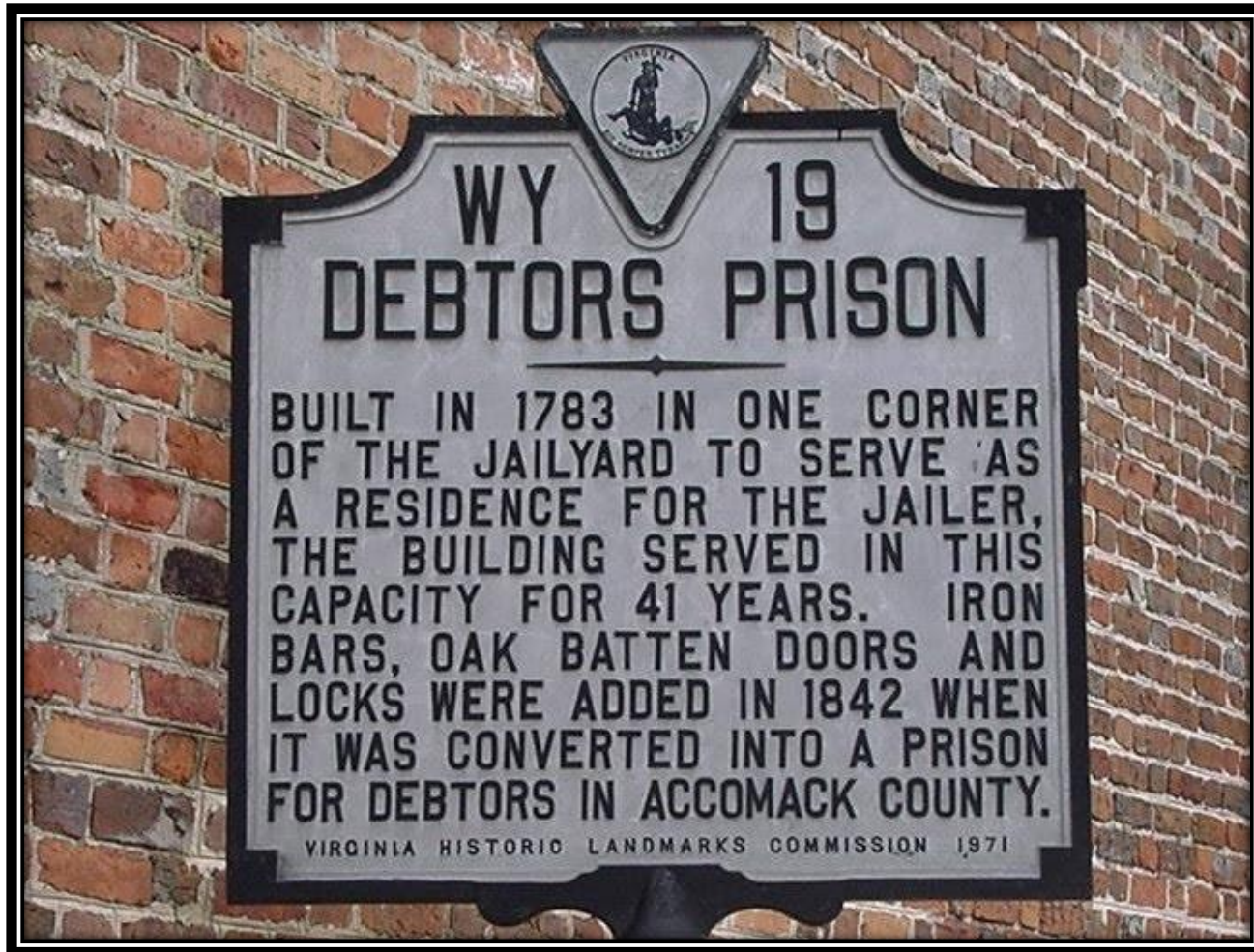
- Payment or Dispute
- New Information/Address/Email/Bank/Employer

## Continuance/Nonsuit vs. Required to Appear

- Fully/Mostly Resolved
- No Contact or Resolution

# GDC Process

What happens ON the GDC Return Date?





# GDC Process

## What happens ON the GDC Return Date?

### Attorney

Checks in with the Clerk

Speaks to taxpayers prior to the hearing to attempt to resolve issues

### Courtroom

Judge calls the cases, we ask for judgment, etc.

Set Continuance or Trial dates

Provide Judge with necessary documentation or testimony

### Post Court Actions

Speak to taxpayers who appeared

Set up payment plans and/or take payments

Guide taxpayers to resolution of disputes

# GDC Process

## Possible GDC Return Date Outcomes

### Judgment Was Taken

- Docket Judgment with Circuit Court
- Notify taxpayer of judgment and continue collection efforts

### Case Was Continued

- If sufficient payment efforts were made
- To allow taxpayer time to gather documentation and dispute with the Locality

### Case Was Nonsuited

- If account is sufficiently resolved
- If abated or withdrawn by the Locality
- If bankruptcy is filed

### Service Was Not Found/Returned

- "Not Found" – skip trace and re-issue
- "No Service Return" – continue the case for a service return

### A Trial Was Set

- Notify Locality of dates and request documents
- File pleadings with the Court
- Prepare witnesses from the Locality

# What's involved with a Trial?

## Pre-Trial

- Bill of Particulars
- Grounds of Defense
- Witness Preparation

## During Trial

- Locality presents its case
- Defendant presents their case
- Judge may ask questions

## Post-Trial

- If Judgment for Locality – attempt to collect debt
- If Judgment for Defendant – abide by Court Order/consider an appeal
- If a Mixed Outcome – analyze the circumstances/discuss options

# What exactly IS a Judgment?

**WARRANT IN DEBT (CIVIL CLAIM FOR MONEY)**  
Commonwealth of Virginia VA CODE §16.1-79

**Louisa General District Court**  
City or County  
**314 W Main Street Louisa, VA 23093**  
Street Address of Court

TO ANY AUTHORIZED OFFICER: You are hereby commanded to summon the Defendant(s).  
TO THE DEFENDANT(S): You are summoned to appear before this Court at the above address on

**7/19/2019 at 12:30 PM**  
Return Date and Time

to answer the Plaintiff(s)' civil claim (see below)

5-4-2019

Date Issued



[ ] CLERK [X] DEPUTY CLERK [ ] MAGISTRATE

**CLAIM:** Plaintiff(s) claim that the Defendant(s) owe Plaintiff(s) a debt in the sum of

\$697.59 net of any credits, with interest at 10% from May 2, 2019 until paid, \$ 0.00 costs, \$149.05 attorney's fees and accumulated interest in the amount of \$ 70.26 with the basis of this claim being [ ] Open Account [ ] Contract [ ] Note [XX] Other (EXPLAIN)  
Delinquent personal property taxes duly assessed and not paid.

HOMESTEAD EXEMPTION WAIVED? [ ] YES [ ] NO [X] cannot be demanded

May 2, 2019  
Date

  
[ ] Plaintiff [X] Plaintiff's Attorney [ ] Plaintiff's Employee/Agent

**CASE DISPOSITION**

JUDGMENT against [X] named Defendant(s) [ ] -----

For \$ 697.59 net of any credits, with interest at 10% from May 2, 2019 until paid, \$ 0 costs, \$ 149.05 attorney's fees, and \$ 70.26 accumulated interest

HOMESTEAD EXEMPTION WAIVED? [ ] YES [ ] NO [X] CANNOT BE DEMANDED

[ ] JUDGMENT FOR [ ] NAMED DEFENDANT(S) [ ] -----

[ ] NON-SUIT [ ] DISMISSED -----

Defendant(s) Present? [ ] YES -----

7/19/19  
Date

[X] NO

  
Judge

CASE NO. GVI19000012

**LOUISA COUNTY**  
PLAINTIFF (LAST NAME, FIRST NAME, MIDDLE INITIAL)

**1 WOOLFOLK AVENUE**  
**LOUISA, VA 23093**

V.

**SPAYER, JACK**  
DEFENDANT (LAST NAME, FIRST NAME, MIDDLE INITIAL)

**123 HENRY WASH WAY**  
**LOUISA, VA 23093**

HEARING DATE  
AND TIME  
7/19/2019 12:30 PM

**WARRANT IN DEBT**

\*\*\*  
**TO DEFENDANT: You are not required to appear; however, if you fail to appear, judgment may be entered against you. See the additional notice on the reverse about requesting a change of trial location.**

[ ] To dispute this claim, you must appear on the return date to try this case.

[X] To dispute this claim, you must appear on the return date for the judge to set another date for trial.

JUDGMENT PAID  
OR SATISFIED  
PURSUANT TO  
ATTACHED  
NOTICE OF  
SATISFACTION

DATE

CLERK

Bill of Particulars .....  
ORDERED DUE

Grounds of Defense .....  
ORDERED DUE

ATTORNEY FOR PLAINTIFF(S)

Andrew M. Neville, Esq. VSB# 86372  
Taxing Authority Consulting Services, PC.  
PO Box 31800, Henrico, Virginia 23294  
P: (804) 545-2500 F: (804) 545-2342

ATTORNEY FOR DEFENDANT(S)

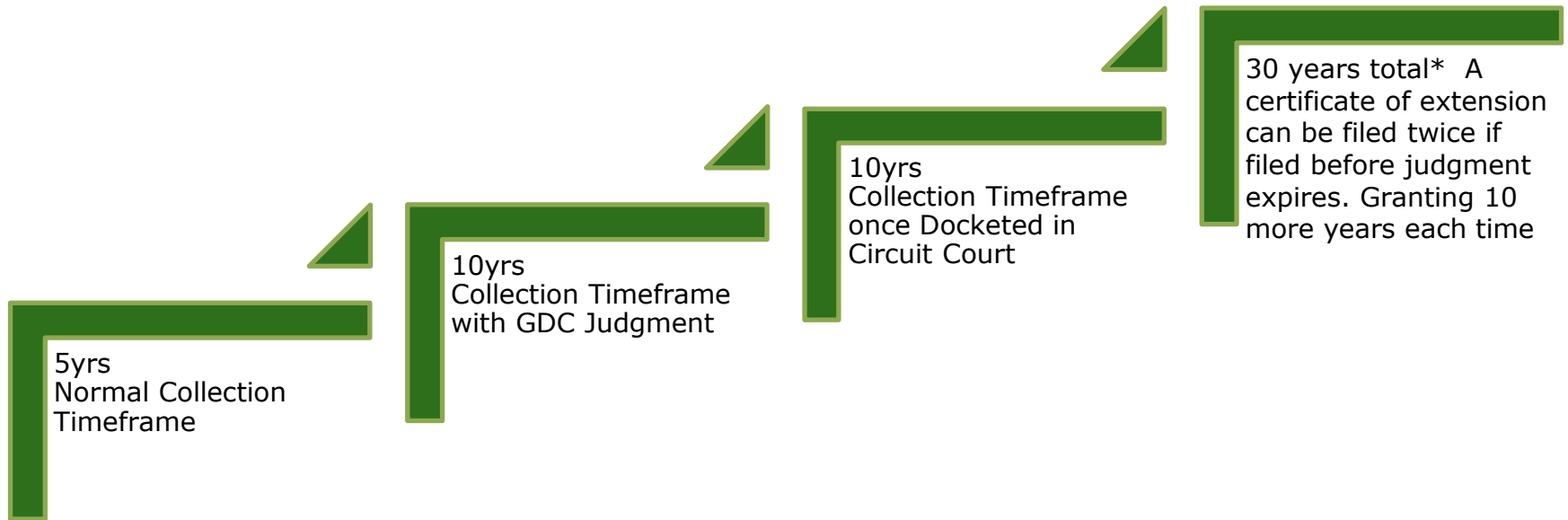
**DISABILITY  
ACCOMODATIONS**  
For loss of hearing, vision,  
mobility, etc., contact the  
court ahead of time

# What exactly IS a Judgment?

- A judgment is a piece of paper, with a Judge's signature
- For normal creditors, it allows for additional collection actions to be taken
- For Localities, its main purpose is to secure the debt and extend the Statute of Limitations
- Actually, collecting the money is much more valuable

# What does docketing do?

Once a Judgment is received in General District Court, we docket an abstract of the judgment with the Circuit Court. That judgment becomes a lien on any real property owned by the judgment debtor within the locality in which it is docketed.



# What if the judgment debtor later pays?

- Once the judgment is paid, we file a Notice of Satisfaction with both the General District Court, and the Circuit Court.
- Occasionally a Locality will receive an inquiry about a docketed judgment (typically when the judgment debtor is trying to sell their house – sometimes years down the road).
- If we secured the judgment for you, we will handle filing the Notices of Satisfaction.

# How will I know if judgment was granted against a judgment debtor?

- You will receive a report from our office at least twice a year showing the judgments that have been granted.
- It is imperative that these judgments somehow be flagged in your system, even if you cannot keep the balance active.
- If a taxpayer calls in asking for the amount due, we hope that there will be a flag even if there is no balance due showing so that you can direct those taxpayers back to us for the amount of judgment that is due.



# Legal Department Duties

Site Visits

Distress  
Levies

Show  
Causes

General District Court

Circuit  
Court

Summons to Answer Interrogatories



## Contact us:

Email: [legal@taxva.com](mailto:legal@taxva.com)

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Janely Cortes: Legal Specialist

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Nicholas Clark: Legal Specialist

Diane Donati: Legal Admin. Assistant