

Deferred Payment Agreement Guidelines and Policy for Court Costs, Fines and Restitution Virginia State Code §19.2-354 et. seq.

Fines, costs and/or restitution Ordered by this Court are assessed against individuals convicted of a felony, misdemeanor or traffic infraction. Fines, costs and/or restitution are due when imposed by the Court unless the defendant enters into a Deferred/Installment payment agreement or if otherwise Ordered by the Court.

Judgment(s) for the amount of fines, costs and/or restitution are entered against the defendant and interest accrues on the balance due. Judgments are docketed in the Judgment Lien Docket Book in the Clerk's Office.

Individuals who do not promptly pay the ordered amounts when due may be subject to the following:

- Unpaid fines and court costs reported to the Amherst County Commonwealth's Attorney and the Department of Taxation for debt collection.

A Deferred/Installment payment agreement for fines/costs/restitution will be completed in the Circuit Court Clerk's Office. If full payment is made on the date of trial/sentencing, no judgment will be entered. If the fines/costs/restitution are unpaid after 30 days, a deferred/installment payment agreement will be initiated, with a minimum monthly payment requirement. If the payment agreement is initiated upon non-payment after the 30 days or if the defendant is Ordered into a new payment agreement by the Court, all previous unpaid accounts shall be included.

Upon default of the payment agreement, the Clerk may require a "**down payment**", prior to the entry of a subsequent payment agreement, not to exceed 10% of the amount of fines and costs (if the amount is \$500.00 or less) or the greater of 5% of the amount of fines and costs or \$50 (if the amount is greater than \$500.00), **IN ADDITION TO** THE REGULAR MINIMUM PAYMENT OF TWENTY-FIVE DOLLARS (\$25.00).

At any time during the duration of the payment agreement, the Defendant may request a modification of the agreement in writing. The Court may grant such modification based on a good-faith showing of need.

All monthly payments are DUE on the date as specified in the payment agreement and must be paid ON or BEFORE the due date.

◇Failure to pay fines, costs and/or restitution will result in Debt Collection and Interest Accrual.◇

VIRGINIA IN THE CIRCUIT COURT OF AMHERST COUNTY

IN RE: DEFERRED PAYMENT AGREEMENT GUIDELINES AND PROCEDURES
FOR COSTS, RESTITUTION, AND FINES

ORDER

The Court hereby **ORDERS** that the minimum payment for entry into an Installment payment agreement will be \$25.00 (Twenty Five Dollars) per month.

The initial \$25.00 (Twenty Five Dollars) shall be paid at the time of entry into an initial Installment payment agreement with the Clerk's Office of this Court, pursuant to Virginia Code Section 19.2-354 et. seq., unless the installment agreement is entered into at the time of final disposition/sentencing of a defendant.

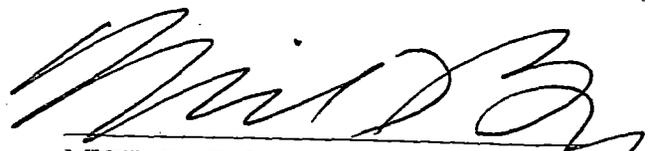
The Court **FURTHER ORDERS**, in all criminal and traffic cases before this Court unless otherwise Ordered, that any and all defendants who have been Ordered by the Court to pay restitution, fines, or costs, who are unable to pay the restitution, fines or costs within 30 days of final disposition/sentencing shall enter into an installment payment agreement with the Clerk of this Court, and all previous unpaid accounts shall be included.

The Court **ORDERS** that the Clerk shall provide the defendant with an Acknowledgement/Order and Notice of Deferred Payment or Installment Payments form upon final disposition/sentencing of the defendant, and the Clerk shall not require the defendant to complete the "Financial Statement – Eligibility Determination."

Any request for subsequent payment agreement as a result of a default may be referred to the Judge of this Court for consideration. Upon default of a payment agreement, the Clerk may require a "down-payment" pursuant to Virginia Code Section 19.2-354 et. seq. and the Rules of the Supreme Court of Virginia, prior to re-entry into a payment agreement.

Payments accepted by the Clerk of the Court, pursuant to a payment agreement, shall be applied first to any restitution obligation, unless otherwise Ordered by the Court.

Enter this 23rd day of July, 2019.


MICHAEL T. GARRETT, Judge

In the Circuit Court for the [] City [] County of
[] COMMONWEALTH OF VIRGINIA
[] CITY [] COUNTY OF v.

DEFENDANT

SSN

DRIVER'S LICENSE NUMBER

DRIVER'S LICENSE STATE

RESIDENCE ADDRESS

MAILING ADDRESS IF DIFFERENT FROM ABOVE

TELEPHONE NUMBER

I. ACKNOWLEDGMENT OF SUSPENSION OR REVOCATION OF DRIVER'S LICENSE

I acknowledge that I have been notified that my driver's license/driving privilege:

- [] is suspended or revoked for a period of effective as a result of
 - [] my conviction by this Court.
 - [] action taken by the Virginia Department of Motor Vehicles pursuant to Va. Code § 46.2-390.1 for the Court's conviction or finding of facts sufficient to convict me of violating the drug laws (Va. Code §§ 18.2-247 through 18.2-264) of this Commonwealth.
 - [] Declaration by the Virginia Department of Motor Vehicles [] Adjudication by Court that I am a habitual offender.

I acknowledge that I owe fines, costs, forfeiture, restitution and/or penalty of \$ plus any additional court-appointed attorney fee, if applicable.

I further certify that on this date this notice was read, understood by me, and I received a copy of the same, and that my driver's license

[] WAS [] WAS NOT surrendered to this Court. Reason not surrendered:

DATE

DEFENDANT

State/Commonwealth of [] Virginia []

County/City of

Acknowledged before me this day by
PRINT NAME OF SIGNATORY

DATE

[] JUDGE [] CLERK [] NOTARY PUBLIC

Notary Registration No. My commission expires:

READ PART I ON THE BACK OF THIS FORM FOR MORE STIPULATIONS, WHICH ARE INCORPORATED BY REFERENCE AND ARE MADE A PART OF THIS ACKNOWLEDGMENT.

II. ORDER AND NOTICE OF DEFERRED PAYMENT OR INSTALLMENT PAYMENTS

SEE PART II ON THE BACK OF THIS FORM FOR FURTHER STIPULATIONS, WARNINGS AND INFORMATION CONCERNING THIS NOTICE AND ORDER, WHICH ARE HEREBY INCORPORATED BY REFERENCE.

Upon due consideration, the Defendant's Petition for deferred or installment payments is accordingly ACCEPTED, and the Defendant is ORDERED to pay costs, fines, forfeiture, and penalty totaling \$ plus restitution totaling \$ plus any additional court-appointed attorney fee, court reporter fee, and interest, if applicable, by:

- [] making installment payments of \$ per, beginning until paid in full; or
- [] making a deferred payment in full on or before

[] Restitution payments are to be paid in accordance with the court's ORDER FOR RESTITUTION previously entered.

If Deferred payment is not received by the above due date, or if the final Installment payment is not received by, the defendant is hereby given NOTICE to return to this Court on at m.

The total listed above does not include transcript costs and any costs/damages that may be charged if you appeal from this court.

NOTICE: READ PART II ON THE BACK OF THIS FORM FOR MORE STIPULATIONS WHICH ARE INCORPORATED BY REFERENCE AND ARE MADE A PART OF THIS ORDER AND NOTICE.

Entered this day of

I have asked for and received a copy of this Order and Notice.

[] JUDGE [] CLERK

DEFENDANT

PART I

I understand that if I provide for payment of a fine or other monies due by a method other than cash and my payment fails, the Clerk will send me a written notice of my failure of payment. A penalty of \$50.00 or 10 percent of the amount of the payment, whichever is greater, may be charged if the method of payment fails.

I further understand that, if I am convicted of driving while my driver's license is suspended or revoked, I may be fined, sentenced to jail, or both.

I understand that upon suspension or revocation of my license, I may not operate a motor vehicle in the Commonwealth of Virginia until:

- (1) All periods of suspension imposed by any Court or the Department of Motor Vehicles have expired, AND
- (2) The Department of Motor Vehicles reinstates my license (if suspended) or issues a new license (if revoked) after:
 - (a) I have paid the reinstatement fee (if any) to the Department of Motor Vehicles, AND
 - (b) I have met all other administrative requirements of the Department of Motor Vehicles.

PART II

I understand that if the Court has ordered deferred or installment payments, or community service to pay all or part of the fines and costs, I must make all required payments or perform all community service on time.

I understand that:

- (1) as a condition of this agreement, I must promptly inform the Court of any change of my mailing address during the term of the agreement;
- (2) if the fines, costs, forfeiture, restitution, and/or penalty are not paid in full by the date ordered, that the Court shall proceed according to the provisions of Va. Code § 19.2-358, which state that a show cause summons or capias for my arrest may be issued;
- (3) the amount(s) listed in this agreement may be administratively amended by the Clerk of this Court in the event additional costs should be assessed and if additional costs are assessed, that the Clerk will forthwith issue a notice to me of the total amount due by first class mail to my address of record;
- (4) the Court or Clerk thereof may adjust the final payment date administratively, without further notice, for installment payment agreements, if I fail to make a scheduled payment or for deferred payments, if I fail to pay in full by the date ordered, for the purposes of referring the account for action pursuant to Va. Code § 19.2-358.

I further understand that if the Court does not receive payments as ordered, my case will be referred for collection enforcement action under §§ 19.2-349, 19.2-353.5, 19.2-358, or 58.1-520 through 58.1-534 of the Code of Virginia. If my case is referred for collection enforcement action under § 19.2-349, the amount that I owe and that can be collected will be increased to reflect the additional costs associated with collection action. If any part of the amount due remains unpaid, pursuant to § 19.2-358, I may be subject to a jail sentence of up to 60 days or an additional fine of up to \$500.00.

Pursuant to Va. Code § 19.2-353.5, if interest on outstanding fines and costs owed to this court accrued during a period when I was incarcerated, I may request that the interest that accrued when I was incarcerated be waived by this Court.

This Order and Notice is provided to the Defendant pursuant to Va. Code § 19.2-354. This Order shall not be spread on the Order Book of this Court.