

VIRGINIA: In the Circuit Court of the County of Tazewell, the 2nd Day of July, in the Year of Our Lord, Two Thousand and Twenty-One

PRESENT: The Honorable, Jack S. Hurley, Jr., Chief Judge
The Honorable Richard C. Patterson, Judge

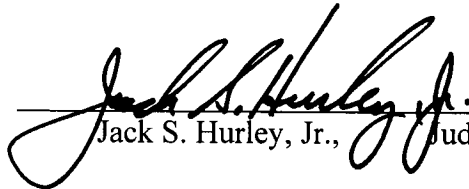
**IN RE: DEFERRED PAYMENT PLAN GUIDELINES AND PROCEDURES
FOR COURT COSTS, FINES AND RESTITUTION
PURSUANT TO VIRGINIA CODE SECTION 19.2-354**

The following are the payment guidelines for all unpaid costs, fines and restitution requested to be paid pursuant to deferred or installment payment agreements:

1. All unpaid costs and fines totaling more than \$ 50.00 are eligible for an installment or deferred payment agreement.
2. The defendant must appear, in person, in the Circuit Court Clerk's Office and request to make installment payments and will be required to sign Form 1379 Order and Notice of Deferred Payment or Installment Payments, which will serve as the agreement between the defendant and the Court.
3. If the defendant is incarcerated and unable to appear, Form 1379, upon written request, can be mailed to the defendant and must be signed by the defendant, before a notary or probation/parole officer, and returned to the Clerk's Office.
4. Payments are due every thirty (30) days. The minimum payment is \$ 80.00 per month unless a lesser amount is authorized by the Court for good cause shown. No down payment is due for the first payment plan. A payment plan must be in place within ninety (90) days of sentencing.
5. If a defendant fails to make a monthly payment and is in default, the Clerk may authorize a new payment plan. Any payment which is received within five (5) days of the due date shall be considered to be timely made.
6. After two (2) defaults on monthly payments, the defendant must complete a new petition for installment or deferred payments and it will be subject to the approval of the Clerk of Court or the Court, on the following conditions: (i) the defendant pays a down payment equal to ten (10%) percent of the fines and/or costs due if any fines and/or costs owed are \$ 500.00 or less, or (ii) a down payment of \$ 50.00 or five (5%) percent of any fines and/or costs owed if the fines and/or costs are more than \$ 500.00, whichever is greater. Upon request, the Clerk of Court or the Court may lower any down payment required under this Plan for good cause shown, which amount shall be applied to costs, fines and/or restitution.

7. The Court does authorize the use of community service at the rate of \$ 10.00 per hour to be applied to any unpaid costs or fines. Community service may **not** be used to satisfy any unpaid restitution. In the event that a defendant desires to satisfy any unpaid costs and fines through the use of community service and the defendant **is** on probation or parole, then the defendant must appear at the Probation & Parole Office in Claypool Hill, Virginia, in person, and be directed to the appropriate agency for the community service to be monitored. If the defendant is **not** on probation or parole then the defendant must appear at Clinch Valley Community Action in N. Tazewell, Virginia, in person, and be directed to the appropriate agency for the community service to be monitored.
8. If a defendant owes restitution, then any payments received pursuant to this agreement shall first be used to satisfy all restitution. Once the restitution obligation is satisfied in full, then the payments shall be applied to any unpaid costs and fines.

ENTERED this 2nd day of July , 2021.



Jack S. Hurley, Jr., Judge



Richard C. Patterson, Judge