

**VIRGINIA:**

**BOOK 0023 PAGE 01.17**

**IN THE CIRCUIT COURT OF CAROLINE COUNTY**

**Date: May 21<sup>st</sup>, 2015**  
**Judge: Patricia Kelly**

**ORDER**

**IN RE: COLLECTION OF DELINQUENT FINES & COSTS**

The Clerk of this Court is hereby authorized to execute a Deferred Payment Agreement for the collection of delinquent fines and costs within the following guidelines:

1. Restitution payments must be paid in accordance with an order of the Court and are to be collected before fines and court costs, unless the Court orders restitution reduced to a civil judgment. The Clerk is not authorized to enter into a deferred payment agreement for cases in which restitution payments are due.
2. For Misdemeanors and Infractions, all fines and costs are due within thirty days of conviction unless otherwise ordered by the Court.
3. For Felonies, all fines and costs are due within one (1) year of the date of conviction or the date of release from confinement, unless otherwise ordered by the Court.
4. For cases in which restitution is not due or has been paid, the Clerk may enter into a deferred payment agreement thirty (30) days prior to the expiration of the time allowed by order of the court for the payment of fines and costs under the following rules:
  - A. The defendant is to make a "good faith effort" and pay twenty (20%) per cent of the amounts owed up to five hundred (\$ 500.00) dollars or ten (10%) per cent of amounts over five hundred (\$ 500.00) dollars.
  - B. Deferred payments shall be made in equal monthly installments of no less than thirty (\$ 30.00) dollars per month for the first three (3) cases with an additional ten (\$ 10.00) dollars due per month for each case thereafter, to be allocated at the discretion of the Clerk's Office and the total amount due within two (2) years or less of the date of the agreement.
  - C. Payments of equal monthly installments shall commence thirty (30) days after signing the aforesaid agreement and the "good faith" payment of either ten (10%) per cent or twenty (20%) per cent of the total amount due.
  - D. Interest shall be deferred and the Virginia Department of Taxation, the Collection Agent for this Court, shall be notified when a signed agreement takes effect and when any delinquency under the agreement occurs.
  - E. Any delinquency under the deferred payment agreement shall terminate the said agreement and any balance due shall become payable

immediately. The account of any defendant who fails to comply with a deferred payment agreement shall be referred to the Department of Taxation, which shall then assess the statutorily required fee for delinquent collections and collect any unpaid amount in accordance with their procedures.

- F. The Clerk is not authorized to amend an active deferred payment agreement previously executed in accordance with this order.
- G. The Clerk is not authorized to enter into a second deferred payment agreement with a defendant who has failed to comply with the terms and conditions of this order unless the defendant has made payments totaling at least fifty (50%) per cent of the total amount due under the first payment agreement.
- H. The Court will consider a written motion for a deferred payment agreement if the fines and costs due by the defendant total in excess of four thousand (\$ 4,000.00) dollars.

ENTER THIS 21<sup>st</sup> DAY OF May, 2015.

  
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Patricia Kelly, Judge