

BATH COUNTY CIRCUIT COURT

ORDER-AGREEMENTS FOR THE PAYMENTS OF UNPAID FINES, RESTITUTION, AND COSTS

Pursuant to Virginia Code Section 19.2-354.A & B, the Court does now enter this order for deferred or installment agreements for the payment of unpaid fines, restitution, and costs.

THEREFORE, it is ADJUDGED AND ORDERED that:

The Clerk of Bath County Circuit Court is authorized pursuant to Virginia Code 19.2-354 to establish and to approve deferred or installment agreements for the payment of outstanding costs, fines, and restitution when full payment cannot be made within 90 days of trial/sentencing.

The guidelines established by the Court of the Clerk to apply to the entry of such deferred or installments agreements are that:

1. The applicant must request and complete such deferred/installment agreement form, which is supplied by the Clerk of Court. The applicant must also make a minimum payment of \$50.00 at the time of filing his/her request for approval unless otherwise ordered by the Judge of the Circuit Court.
2. The amount of any installment payment shall be determined by the Clerk based on the applicant's reported monthly income and expenses, but the applicant must agree to make monthly payments on his outstanding obligations of at least \$50.00 per month. When possible the Court will link accounts to allow for proper allocation of payments. All payments are applied to restitution prior to costs and cannot be satisfied by the performance of community service.
3. The Commonwealth Attorney's Office shall provide to the Court during trial, on a form prescribed by the Supreme Court of Virginia, the amount of restitution owed and the name(s) and address(es) of the victim(s), which form shall be signed by the defendant prior to imposition of sentence.
4. Driver licenses will be suspended immediately after the due date of a missed payment or ten (10) days following notice that a check or credit card payment has been dishonored by the bank or issuing institution.
5. Individuals who are performing Court approved community service in lieu of payment of court costs must enter into a deferred or installment agreement. Community service will be credited at a rate of \$7.50 per hour and shall be monitored by the Probation officer, Clerk, Sheriff, and/or Court Community Corrections.
6. All past due accounts are subject to a one time delinquent payment fee of 17%, which is calculated on the total amount owed. Once the delinquent payment fee is assessed to the account, 17% of each payment made, thereafter will be applied to the delinquent fee owed on the account. The Court has selected the Department of Taxation as the Collection Agency for any past due accounts, which are also subject to possible garnishments and any other means available to collect any unpaid accounts.
7. Applicants who serve an active jail/penitentiary sentence pursuant to Virginia Code Section 19.2-353.5, interest on any outstanding fines and costs owed to this court or any other court, which may accrue while the defendant is incarcerated, will be waived by the court upon the applicant's request. It is the responsibility of the applicant to present to the Court the proper forms to be eligible for the waiver of interest.
8. All requests for extensions or modifications of any agreed plan, must be presented to the Clerk's office in writing for approval by the Judge. If the applicant defaults on his/her initial agreement, then the applicant must petition the court for a new payment agreement and will be required to pay a down payment of ten percent (10%) if the fines and costs owed are \$500.00 or less or if the fines and costs owed are more than \$ 500.00, five percent (5%) or \$50.00, whichever is greater.
9. The court accepts payments by check, money order, cash or credit card, all credit card transactions will be charged a convenience fee of \$2.00, for all amounts up-to \$50.00 and 4% for all amounts over \$50.00. Payments can be mailed to: Bath County Circuit Court PO Box 180, Warm Springs, VA 24484, Office hours are 8:30 AM to 4:30 PM, Monday – Friday, with the exception of holidays. Due dates that fall on weekends or holidays will be due the next business day. When requesting a receipt, please include a self-addressed stamped envelope.

Enter this 20<sup>th</sup> day of June, 2017

  
Malfourd W. Trumbo, Judge