

LYNNETTE COE

CLERK OF CIRCUIT COURT PRINCE EDWARD COUNTY

Prince Edward County Courthouse
111 South Street, 1st Floor • P.O. Box 304
Farmville, Virginia 23901-0304
(434) 392-5145

Deputies

Jennifer A. Trombley
Chief Deputy Clerk
Melinda P. Toney
Chelsey R. George
Jessica N. Dedmond
Riley P. Long

Judges

Hon. Donald C. Blessing
Chief Judge

Hon. S. Anderson Nelson
Hon. J. William Watson, Jr.
Hon. Robert H. Morrison

Payment Plans for the Prince Edward Circuit Court

Effective 11/21/19

1st payment plan

The 1st payment plan is done in court upon sentencing. You will be required to make monthly payments in the amount of at least \$35, until the case is paid in full.

Results if you default

If you default and wish to have a 2nd payment plan, you will be required to make a down payment. If the amount owed is \$500 or less, the down payment will be 10% of the amount due; when the amount owed is more than \$500 the down payment is 5% of the amount due or at least \$50, whichever is greater and your **payment will increase to at least \$50 per month**. If you have an older case and the Judge has ordered you to make higher monthly payments, your monthly payment will be the same amount as previously ordered.

Current deferred payment plans

If you are on a current deferred payment plan and you have been making payments, you will not be required to make a down payment to renew your payment plan; however, you will now be required to make a monthly payment in the amount of **at least \$35**.

Results if you default after the 2nd time.

Any default after the 2nd default which requires a payment plan, can only be established by the Judge upon a petition to the court for fines and costs or request to modify existing agreement, form DC-211. You will be given a court date to appear before the Circuit Court Judge. If a new payment plan is done, the monthly payment amount may be modified.

Results if you default on restitution accounts at any time.

If you default on a restitution account, you will be required to file a petition for payment agreement for fines and costs or request to modify existing agreement, form DC-211. The Judge will review this petition and determine if a hearing is required. The Commonwealth Attorney and Judge will be notified of all restitution accounts that are in default. If a new payment plan is done on a restitution account including court costs, the monthly payment amount may be modified.

Restitution must be collected first on all cases, so if you have restitution ALL PAYMENTS will be applied to restitution first!

Seen and agreed:

Witnessed by:

Defendant

Clerk/Deputy Clerk or
Commonwealth Attorney/Defense Attorney

VIRGINIA: IN THE CIRCUIT COURT OF THE COUNTY OF PRINCE EDWARD
IN RE: DEFERRED PAYMENT PLAN GUIDELINES AND PROCEDURES FOR COURT COSTS,
FINES AND RESTITUTION

ORDER

When an individual is convicted of a felony or misdemeanor in the Prince Edward County Circuit Court, court imposed fines and/or court costs will be assessed against the Defendant who may be required to pay in deferred payments, installments, or otherwise ordered by the Court pursuant to Virginia Code Section 19.2-354, as amended. If restitution is included in assessed costs, restitution will be incorporated in these stated guidelines. **All payments received will be applied to restitution first**, and then remaining payments received will be applied to the court costs and fines.

Community service **must be reviewed** by the Commonwealth Attorney and prearranged and approved by the Court to be converted as payment for court costs and fines. The Defendant may petition the Court to present a plan for community service to be applied towards payment of fines and costs. A petition will **not be** considered unless a specific plan is made a part of the filing. The Court may allow community service work as an option to defray fines and costs, especially when the Defendant is indigent or otherwise unable to make substantial meaningful payments. Incarcerated Defendants working in programs in compliance with Virginia Code Sections 19.2-316.4, 53.1-60, 53.1-128, 53.1-129, or 53.1-131 are eligible. Work performed by Incarcerated Defendants for which any monetary or other significant compensation is received by or credited to the Defendant shall not qualify as community service. Any portion of the community service completed will be credited to the Defendant's obligations at the current rate of the hourly minimum wage then in effect. Community service shall not be credited against any amount owed as restitution or any collection fee required. Community service **must** be pre-arranged with the organization **and** pre-approved by the Court on forms to be provided by the Clerk's office. The community service, if approved by the Court, must be performed at a 501(c)(3) organization or political subdivision of the Commonwealth of Virginia.

In accordance with Code Section 19.2-349, failure to pay fines/restitution or entering into and staying current on a payment agreement will incur a 17% penalty "to help offset the costs associated with employing such individuals or contracting with such agencies or individuals" assisting in collection. **Neither the Court nor the Clerk can remove, reduce, or alter this fee.** Any other terms set forth in these guidelines are subject to the Clerk's or Judge's discretion.

A defendant shall not be required to make a down payment upon entering a deferred or installment payment agreement pursuant to Virginia Code Section 19.2-354, as amended. A defendant who has defaulted on a payment agreement may enter into a subsequent payment plan where the defendant will be required to make a down payment not to exceed (i) if the fines and costs owed are \$500.00 or less, 10% of such amount, or (ii) if the fines and costs owed are more than \$500.00, 5% of such amount or \$50.00, whichever is greater. The required payments are at the discretion of the Clerk based upon the financial conditions of the defendant and their previous payment history.

Payments by check, credit or debit cards will be accepted at the discretion of the Clerk and in compliance with Code Section 19.2-353.3, as amended. All checks, credit or debit cards tendered that are dishonored for insufficient funds may be assessed a fee of \$50.00 or 10%, whichever is greater, based on the payment amount.

The Defendant's failure to comply with the deferred payment plan will result in any unpaid fines/restitution being reported to collections and interest may begin accruing on the unpaid balance. The Defendant must promptly inform the court of any changes of mailing address during the term of the payment agreement.

The Clerk shall be able to administratively amend any payment plan in the event additional costs should be assessed and/or the financial conditions of the Defendant changes.

ENTERED this 9th-day of July, 2021


JUDGE