

## **NOTICE TO DEFENDANT OF JUDGMENT ORDER IN SMALL CLAIMS COURT**

This is to inform you that the Court has ordered judgment against you. This means that the court has decided that you owe the plaintiff the amount of money stated in the judgment. Make your payment directly to the plaintiff. Interest accrues at 12% per year on any unpaid balance.

### **Appeal**

You may appeal the judgment to the superior court. To do so, you must file a notice of appeal and pay a \$100.00 fee to superior court **within 30 days** of the judgment. **An appeal is not a new trial.** A different judge will review the tape or the transcript of the original trial and make a determination if an error was made in applying the law to the facts. On appeal you are not allowed to present new facts or allowed to restate old facts. Appeals can be complicated matters; you may wish to consult a lawyer before deciding to appeal a judgment.

### **METHODS OF COLLECTION:**

If you fail to pay the plaintiff within 30 days, or if you fail to make an installment payment, the plaintiff may use one or more of the following methods to collect. For each method, the plaintiff can add additional filing fees, interest and cost of getting the sheriff to serve the paperwork to the amount you owe.

### **Trustee Process Against Earnings**

The plaintiff may request trustee process against earnings or other property. Upon receiving such a request, the court will set a hearing and notify the plaintiff, you and your employer. This means, the court may order your employer to withhold your wages and send the amount directly to the plaintiff.

### **Financial Disclosure**

Under certain circumstances the plaintiff can request the court to hold a financial disclosure hearing at which you will be required to submit a financial disclosure statement and to testify concerning your ability to pay the small claims judgment.

### **Judgment Lien**

The plaintiff may record the judgment in the town's land records, creating a lien against your property. The lien is good for eight years and may be renewed.

### **Writ of Execution**

The plaintiff may obtain a writ of execution from the court which will direct the sheriff to demand money or property from you.

### **Satisfaction of Judgments**

If you pay the full amount of the judgment, the plaintiff must notify the court within twenty (20) days. You may ask the court that the judgment be deemed satisfied. You can obtain a motion form for this purpose from the court clerk.