

AGREEMENT FOR JUDGMENT AND FOR PAYMENT ORDER

DOCKET NUMBER

**Trial Court of Massachusetts
Small Claims Session**



PLAINTIFF(S) WHO ARE PARTIES TO THIS AGREEMENT

COURT DIVISION

vs.

DEFENDANT(S) WHO ARE PARTIES TO THIS AGREEMENT

REQUESTED DATE OF PAYMENT REVIEW

Check here if defendant has moved and write new address above or on back of court copy

No payment review requested

JUDGMENT FOR PLAINTIFF(S). It is hereby agreed that in this small claim the Court may enter a judgment for the plaintiff(s) named above and against the defendant(s) named above for:
\$ _____ DAMAGES Plus PREJUDGMENT INTEREST from _____ (date)
at the 12% statutory rate or the _____% contractual rate
\$ _____ COSTS Prejudgment interest is waived by the plaintiff.
\$ _____ ATTORNEY FEES Postjudgment interest is waived by the plaintiff.
(if authorized by contract or statute)

PAYMENT ORDER. It is also agreed that the Court may enter a payment order that requires the defendant(s):

- to pay the plaintiff(s) the total amount of the judgment on or before _____ (date).
- to pay the plaintiff(s) \$ _____ each week month beginning on _____ (date) until the total amount of the judgment is paid in full.

This payment order will not be satisfied with any exempt income listed on pg. 2 of this form.

REVISED PAYMENT ORDER. In this small claim the Court has already entered a judgment and it is hereby agreed that the Court may revise that payment order as follows:

This payment order will not be satisfied with any exempt income listed on pg. 2 of this form.

SATISFIED IN FULL. It is also agreed that this claim or judgment has already been satisfied in full.
(By court rule plaintiff(s) must file an acknowledgment of satisfaction with the court when the judgment has been paid in full.)

JUDGMENT FOR DEFENDANT(S). It is hereby agreed that in this small claim the Court may enter a judgment for the defendant(s) named above, and the plaintiff(s) shall take nothing on this claim.

DISMISSAL. It is hereby agreed that the Court may enter a judgment dismissing this small claim.

JUDGMENT ON COUNTERCLAIM. It is also agreed that the Court may enter the following judgment on the counterclaim brought by the above-named defendant(s) against the above-named plaintiff(s):

OTHER PROVISIONS OR COMMENTS

Upon acceptance by the Court, a judgment and payment order will be entered in accordance with the above terms and will be enforceable as an order of the Court.

SIGNATURE OF PLAINTIFF(S) OR ATTORNEY FOR PLAINTIFF(S) _____ PRINT NAME _____ DATE _____

SIGNATURE OF DEFENDANT(S) OR ATTORNEY FOR DEFENDANT(S) _____ PRINT NAME _____ DATE _____

RECORD OF COURT REVIEW (For optional use by magistrate)

To be entered as court's judgment and/or payment order. Agreement was submitted in open court and Rule 7(a) inquiry made of defendant(s) as to any payment order.

CLERK-MAGISTRATE / ASST. CLERK

INCOME THAT IS EXEMPT FROM PAYMENT ORDERS

1. **ALL INCOME FROM THE FOLLOWING SOURCES** is exempt by law from any payment order:

- Unemployment Benefits (G.L. c. 151A, § 36)
- Workers Compensation Benefits (G.L. c. 152, § 47)
- Social Security Benefits (42 U.S.C. § 401)
- Federal Old-Age, Survivors & Disability Insurance Benefits (42 U.S.C. § 407)
- Supplementary Security Income (SSI) for Aged, Blind & Disabled (42 U.S.C. § 1383[d][1])
- Other Disability Insurance Benefits up to \$400 weekly (G.L. c. 175, § 110A)
- Emergency Aid for Elderly & Disabled (now G.L. c. 117A)
- Veterans Benefits
 - Federal Veterans Benefits (38 U.S.C. § 5301[a])
 - Special Benefits for Certain WW II Veterans (42 U.S.C. § 1001)
 - Medal of Honor Veterans Benefits (38 U.S.C. § 1562)
 - State Veterans Benefits (G.L. c. 115, § 5)
- Transitional Aid to Families with Dependent Children (AFDC) Benefits (G.L. c. 118, §10)
- Maternal Child Health Services Block Grant Benefits (42 U.S.C. § 701)
- Other public assistance benefits (G.L. c. 235, § 34, fifteenth)

2. In addition, **A PORTION OF WAGES OR EMPLOYMENT-BASED RETIREMENT PAYMENTS**

is exempt by law from any payment order. The exempt amount is

\$218 or 75% of your weekly disposable earnings, whichever is greater.

Your “**weekly disposable earnings**” are your gross wages, salary or employment-based periodic retirement payments, *minus* any deductions required by law (including withholding taxes, social security [FICA], and mandatory public employee retirement contributions). Do *not* deduct any voluntary deductions, union dues or garnishments.

The minimum Federal exemption is equal to the Federal minimum wage (\$7.25 as of 7/24/09) multiplied by 30, or \$218 (15 U.S.C. §§ 1671-1677). Massachusetts law exempts the first \$125 in weekly “wages then due . . . for labor performed or services rendered” (G.L. c. 224, § 16 & c. 246, § 28) but this is normally less than the Federal exemption.

DEFENDANT’S WORKSHEET FOR CALCULATING EXEMPT AMOUNT OF WAGES OR EMPLOYMENT-BASED RETIREMENT PAYMENTS

Write the amount of your “**weekly disposable earnings**” (as defined above) here = \$ _____

If your weekly disposable earnings are **less than \$218**,
enter the amount of your weekly disposable earnings →

If your weekly disposable earnings are **\$218–\$290**, enter \$218 →

If your weekly disposable earnings are **more than \$290**,
enter 75% of your weekly disposable earnings →

\$

This is the amount of your
weekly disposable earnings that is exempt
from any payment orders.