AGREEMENT FOR JUDGMENT
AND FOR PAYMENT ORDER

DOCKET NUMBER

Trial Court of Massachusetts
Small Claims Session

PLAINTIFF(S) WHO ARE PARTIES TO THIS AGREEMENT

VS.

COURT DIVISION

DEFENDANT(S) WHO ARE PARTIES TO THIS AGREEMENT

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

REQUESTED DATE OF PAYMENT REVIEW

☐ *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

$ _____ COSTS

$ _____ ATTORNEY FEES
(if authorized by contract or statute)

☐ Plus PREJUDGMENT INTEREST from _____ *(date)* at the 12% statutory rate or the _____% contractual rate

☐ Prejudgment interest is waived by the plaintiff.

☐ Postjudgment interest is waived by the plaintiff.

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.

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

x _____ _____
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.

x _____
CLERK-MAGISTRATE / ASST. CLERK

INCOME AND PROPERTY
THAT ARE
EXEMPT FROM PAYMENT ORDERS

(This list of exempt income and property is not comprehensive. It is provided to assist the court in avoiding the issuance of orders that would require payment from exempt sources. *When requesting a payment order, the creditor bears the burden of proving that the debtor has sufficient non-exempt income or property with which to satisfy the judgment.* See G.L. c. 224, § 16.)

1. **INCOME FROM THE FOLLOWING SOURCES** is exempt by law from payment orders:
   - 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 (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, cl. fifteenth)
   - Payouts from certain Massachusetts employee pension plans (G.L. c. 32, § 19)

2. Certain **PERSONAL AND REAL PROPERTY** is also exempt from payment orders, including:
   - $2,500 in cash or savings or other deposits in a banking or investment institution (G.L. c. 235, § 34, cl. fifteenth)
   - Automobile or vehicle up to exemption limit (G.L. c. 235, § 34, cl. sixteenth)
   - Other specific types of personal property are exempt under other clauses of G.L. c. 235, § 34
   - Real estate subject to automatic or declared homestead exemption (G.L. c. 188) and, in lieu thereof, the amount of money necessary for rent, up to $2,500 per month (G.L. c. 235, § 34, cl. fourteenth)
   - There are also exemptions for "aggregate" amounts, up to maximum limits, of certain unused exemptions (G.L. c. 235, § 34, cl. seventeenth)

3. In addition, **A PORTION OF WAGES AND CONTRIBUTIONS TO EMPLOYMENT-BASED RETIREMENT PLANS** is exempt by law from payment orders.

Massachusetts law exempts the greater of 85% of the debtor's gross earnings or 50 times the greater of the Federal minimum wage ($7.25 as of 7/24/09) or the Massachusetts minimum wage ($10/hr. until 12/31/16 per G.L. c. 151, § 1; and $11/hr. as of 1/1/17) for each week or portion thereof. (G.L. c. 224, § 16 & c. 235, § 34, cl. fifteenth). The amount exempt under federal law (15 U.S.C. § §1671-1677) may exceed the Massachusetts exemption. If so, the federal exemption applies.

See Worksheet for Computing Amount of Wages Exempt From Attachment, Execution and Payment Orders. http://www.mass.gov/courts/docs/forms/small-claims/translated/english/exemption-worksheet.pdf