

STATE OF NORTH CAROLINA

File No.

_____ County

In The General Court Of Justice
 District Superior Court Division

STATE VERSUS

Name And Address Of Defendant

RESTITUTION WORKSHEET, NOTICE AND ORDER (INITIAL SENTENCING)

G.S. 15A-1340.34 through -1340.38, 15A-1343(d)

I. TOTAL RESTITUTION TO BE PAID BY DEFENDANT

NOTE: Enter total restitution from Parts II - IV. The clerk should enter the total as "Restitution" on the Judgment Suspending Sentence or Judgment and Commitment. If total granted differs from total requested, enter only the total granted on the judgment.

See attached AOC-CR-611A for additional victims/aggrieved parties.

Requested:

\$

Granted, If Different:

\$

II. VICTIMS' RIGHTS ACT (VRA) VICTIMS

NOTE: List each victim of an offense listed in G.S. 15A-830(a)(7) "directly and proximately harmed as a result" of the offense. G.S. 15A-1340.34(a). Record each such victim's SSN or Taxpayer ID on the AOC-CR-382T for the bookkeeping department.

VRA VICTIM INFORMATION

(NOTE: If victim has refused to disclose any information, so state.)

RESTITUTION AMOUNT

Name And Address Victim requests post-conviction notification.

Telephone No.

Requested:

\$

Account No.

Granted, If Different:

\$

Contact Person

Race

Sex

DOB

Docketing Info

Abs No.

The defendant is held jointly and severally liable to this victim with the following person(s), as provided in any order(s) for restitution against them (enter names of other defendants and file numbers; if no file numbers assigned, enter law enforcement agency and incident number):

Name And Address Victim requests post-conviction notification.

Telephone No.

Requested:

\$

Account No.

Granted, If Different:

\$

Contact Person

Race

Sex

DOB

Docketing Info

Abs No.

The defendant is held jointly and severally liable to this victim with the following person(s), as provided in any order(s) for restitution against them (enter names of other defendants and file numbers; if no file numbers assigned, enter law enforcement agency and incident number):

III. OTHER VICTIMS (NON-VRA)

NOTE: List each victim of an offense **other** than one listed in G.S. 15A-830(a)(7) "directly and proximately harmed as a result" of the offense. G.S. 15A-1340.34(a). Record each such victim's SSN or Taxpayer ID on the AOC-CR-382 for the bookkeeping department.

VICTIM INFORMATION

RESTITUTION AMOUNT

Name And Address Victim requests post-conviction notification.

Telephone No.

Requested:

\$

Account No.

Granted, If Different:

\$

The defendant is held jointly and severally liable to this victim with the following person(s), as provided in any order(s) for restitution against them (enter names of other defendants and file numbers; if no file numbers assigned, enter law enforcement agency and incident number):

Name And Address Victim requests post-conviction notification.

Telephone No.

Requested:

\$

Account No.

Granted, If Different:

\$

The defendant is held jointly and severally liable to this victim with the following person(s), as provided in any order(s) for restitution against them (enter names of other defendants and file numbers; if no file numbers assigned, enter law enforcement agency and incident number):

IV. OTHER AGGRIEVED PARTIES (NON-VICTIMS)

NOTE: List each aggrieved party **other than a victim** entitled to restitution pursuant to G.S. 15A-1340.37. Record each such party's SSN or Taxpayer ID on the AOC-CR-382 for the bookkeeping department.

AGGRIEVED PARTY INFORMATION		RESTITUTION AMOUNT
Name And Address	Telephone No.	Requested: \$
	Account No.	Granted, If Different: \$
<input type="checkbox"/> The defendant is held jointly and severally liable to this party with the following person(s), as provided in any order(s) for restitution against them (enter names of other defendants and file numbers; if no file numbers assigned, enter law enforcement agency and incident number): <hr/> <hr/>		

Name And Address	Telephone No.	Requested: \$
	Account No.	Granted, If Different: \$
<input type="checkbox"/> The defendant is held jointly and severally liable to this party with the following person(s), as provided in any order(s) for restitution against them (enter names of other defendants and file numbers; if no file numbers assigned, enter law enforcement agency and incident number): <hr/> <hr/>		

V. ORDER AND JUDGMENT FOR RESTITUTION

The Court, having considered the information presented by the parties about the loss or damage caused by the offense(s) of which the defendant has been convicted and about the defendant's ability to make restitution, ORDERS that:

1. The defendant pay to each victim and aggrieved party named in Parts II - IV the "Restitution Amount" shown for each such entity. If the defendant is sentenced to active punishment, such amounts shall be payable only if recommended as a condition of post-release supervision or parole or from work release earnings or if ordered docketed as a civil judgment in No. 5 below.
2. The amount(s) awarded is full restitution for each victim or party except as described below for any party awarded partial restitution (state reasons for ordering partial restitution to any victim or aggrieved party, G.S. 15A-1340.36(a)):

3. The defendant was ordered to pay restitution as a condition of probation.
4. (Check when awarding restitution under Part II for a misdemeanor.) The defendant was convicted of committing a misdemeanor listed in G.S. 15A-830(a)(7)g. against a person with whom the defendant had a personal relationship, as defined in G.S. 50B-1(b).
5. IT IS FURTHER ORDERED, for any victim granted restitution in excess of two-hundred and fifty dollars (\$250.00) in Part II, that the clerk docket a civil judgment against the defendant in favor of such victim and for the "Restitution Amount" granted. G.S. 15A-1340.38(b).

Date	Name Of Judge (Type Or Print)	Signature Of Judge
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NOTE TO CRIMINAL CLERK: Retain original criminal judgment, with this Restitution Worksheet, Notice And Order attached, in the criminal file. Provide a copy to your bookkeeping department, with the original AOC-CR-382. Do not keep a copy of the AOC-CR-382 in the criminal file. If a civil judgment is to be docketed for an award in Part II, provide a copy of this form to your civil department. Attach a copy of this form to the judgment and mail to the Department of Correction, Combined Records, 2020 Yonkers Road, 4226 MSC, Raleigh, NC 27699-4226, or other agency receiving custody of defendant. G.S. 15A-832(g).

NOTE TO BOOKKEEPER: On the bill of costs in the Financial Management System, enter restitution information, along with information from the criminal judgment about any fine, costs, attorney's fee and other monetary obligations to be paid by the defendant, whenever the defendant is (1) given time to pay, (2) placed on supervised or unsupervised probation, or (3) sentenced to an active sentence and the Court recommends the payment of any amount as a condition of post-release supervision or parole or from work release earnings. Unless otherwise ordered, use account code 26120, distribution priority 1, for each victim awarded restitution in Parts II and III, and use distribution priority 6 for non-victims awarded restitution in Part IV.

NOTE TO CIVIL CLERK: For each victim listed in Part II for whom the Court has ordered restitution in excess of two hundred and fifty dollars (\$250.00), abstract a judgment against the defendant in Judgment Abstracting in favor of the victim. Enter all such judgments under the CR/CRS number for this case, and enter a separate "VRST" issue for each victim. In addition, if the defendant was ordered to pay restitution as a condition of probation (see Order No. 3 above): (1) make the entries necessary to indicate that interest does not accrue and execution may not issue, (2) enter the JA Abstract Number(s) in Part II, above, and (3) forward a copy to your bookkeeper.

(TYPE OR PRINT IN BLACK INK)

STATE OF NORTH CAROLINA

File No.

In The General Court Of Justice

□ District □ Superior Court Division

County

STATE VERSUS

RESTITUTION UPDATE WORKSHEET, NOTICE AND FINDINGS (REVOCATION OR TERMINATION OF PROBATION)

G.S. 15A-1340.38

Name Of Defendant

Date Of Judgment Suspending Sentence

Name Of County Of Origin

Offense(s)

NOTE: This form must be completed and presented to the judge presiding at the hearing at which probation revocation or termination is being considered. The procedure for completing this form shall be determined by local policy of the Court.

I. TOTAL RESTITUTION REMAINING TO BE PAID BY DEFENDANT

NOTE: Enter total restitution from Parts II - IV, and enter the total on the Judgment And Commitment Upon Revocation Of Probation or on the Order On Violation Of Probation Or On Motion To Modify. Enter only the Balance Found Due on the other form.

□ See attached AOC-CR-612A for additional victims/aggrieved parties..

Original Award:

\$

Balance Found Due:

\$

II. VICTIMS' RIGHTS ACT (VRA) VICTIMS

NOTE: List each Victims' Rights Act victim for whom restitution was ordered on the "Restitution Worksheet, Notice and Order (Initial Sentencing)," AOC-CR-611, attached to the original criminal judgment in this case.

VRA VICTIM INFORMATION

BALANCE DUE ON RESTITUTION

NOTE: If there is no balance due, enter "zero."

Name And Address □ Check to indicate change of information from AOC-CR-611.

Telephone No.

Original Award:

\$

Docketing Info Bk/Pg. or Abs No. /

Balance Found Due:

\$

Name And Address □ Check to indicate change of information from AOC-CR-611.

Telephone No.

Original Award:

\$

Docketing Info Bk/Pg. or Abs No. /

Balance Found Due:

\$

III. OTHER VICTIMS (NON-VRA)

NOTE: List here all victims not covered by the Victims' Rights Act for whom restitution was ordered in the "Restitution Worksheet, Notice And Order (Initial Sentencing)," AOC-CR-611, attached to the original criminal judgment in this case.

VICTIM INFORMATION

BALANCE DUE ON RESTITUTION

NOTE: If there is no balance due, enter "zero."

Name And Address □ Check to indicate change of information from AOC-CR-611.

Telephone No.

Original Award:

\$

Balance Found Due:

\$

Name And Address □ Check to indicate change of information from AOC-CR-611.

Telephone No.

Original Award:

\$

Balance Found Due:

\$

IV. OTHER AGGRIEVED PARTIES (NON-VICTIMS)

NOTE: List each aggrieved party **other than a victim** for whom restitution was ordered pursuant to G.S. 15A-1340.37 in the "Restitution Worksheet, Notice And Order (Initial Sentencing)," AOC-CR-611, attached to the original criminal judgment in this case.

AGGRIEVED PARTY INFORMATION		BALANCE DUE ON RESTITUTION <small>NOTE: If there is no balance due, enter "zero."</small>
Name And Address <input type="checkbox"/> Check to indicate change of information from AOC-CR-611.	Telephone No.	Original Award: \$ _____ Balance Found Due: \$ _____
Name And Address <input type="checkbox"/> Check to indicate change of information from AOC-CR-611.	Telephone No.	Original Award: \$ _____ Balance Found Due: \$ _____

V. FINDINGS AND NOTICE

The defendant was placed on probation pursuant to the Judgment Suspending Sentence identified on the reverse side and was ordered as a condition of probation to pay restitution to each of the victims or aggrieved parties named in Parts II - IV of this form. The Court **FINDS** that the balance due and payable on this date to each such victim or aggrieved party is the "Balance Due on Restitution" shown opposite the victim's or party's name.

The Clerk of Superior Court in the county of origin is hereby **NOTIFIED** that the defendant's probation was revoked or terminated on this date. The "Balance Due On Restitution" for each Victims' Rights Act victim in Part II of this form may now be collected by execution if a judgment was docketed against the defendant in favor of the victim when the defendant was placed on probation in this case.

Date	Name Of Judge (Type Or Print)	Signature Of Judge
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NOTE TO CRIMINAL CLERK: If your county is not the county of origin, send the original of this Restitution Update Worksheet, Notice And Findings, and of the Judgment or Order to which it is attached, to the Clerk of Superior Court of the county of origin, and retain a copy for your files.

NOTE TO CLERK OF COUNTY OF ORIGIN: Retain original of this Restitution Update Worksheet, Notice And Findings, and of the Judgment or Order to which they are attached, in the criminal file. Provide a copy to your bookkeeping department. If Parts I and II are completed, provide a copy to your civil department.

NOTE TO BOOKKEEPER: If the defendant's probation is revoked and the Court recommends the payment of any restitution, fine, costs or attorneys' fees as a condition of post-release supervision or parole or from work release earnings, update the amounts shown for those items in the bill of costs in the Financial Management System. If the Court does **NOT** recommend the payment of any restitution, fine, costs or attorneys' fees as a condition of post-release supervision or parole or from work release earnings, or if the defendant's probation is **TERMINATED**, zero out all amounts showing as still payable for those items in the bill of costs in the Financial Management System.

NOTE TO CIVIL CLERK: For each victim named in Part II in whose favor a judgment was docketed against the defendant, update the abstract of the judgment to reflect the "Balance Due On Restitution" and any change in the victim's address. If the balance due on any such judgment is greater than zero, (1) make the entries necessary to begin the accrual of interest as of the date in Part IV and to allow the issue of an execution, and (2) send a copy of this form, including the notice below, to each such victim at the last known address.

Date Notice Mailed To All Victims	Signature Of Person Mailing Notice
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NOTICE TO VICTIMS FROM CLERK OF SUPERIOR COURT

TO EACH OF THE VICTIMS' RIGHTS ACT VICTIMS NAMED IN PART II ON THE REVERSE SIDE.

The defendant's probation has been revoked or terminated in the case identified by the File No. shown at the top on the reverse side of this Notice. The Court has found that, on the date of revocation or termination, the defendant owed you the "Balance Due On Restitution" shown next to your name in Part II on the reverse side of this Notice.

A civil judgment was entered in your favor and against the defendant in the records of the clerk's office when the defendant was originally convicted and placed on probation. As a result of the revocation or termination of the defendant's probation, the balance due on that judgment may now be enforceable by civil means, rather than through the defendant's probation.

Civil judgments typically are valid for 10 years from the date they are originally entered. Upon your request, this office will issue a writ of execution on this judgment if 10 years have not passed since its date of entry. An execution is an order directing the sheriff to seize and sell the defendant's personal or real property and to apply the proceeds to your judgment.

The clerk's office and the sheriff are required by law to charge certain fees for issuing and serving a writ of execution, some of which must be paid in advance before an execution will be issued. You may wish to inform yourself about the nature and extent of the defendant's property before asking us to issue an execution, since you will pay fees even if the sheriff is unable to find any assets of the defendant in the sheriff's county.

If you have specific questions about your rights in enforcing this judgment against the defendant, you may wish to consult an attorney for advice; the office of the Clerk of Superior Court cannot advise you how to proceed.