

Court Service Center

New Hampshire Circuit Court

SMALL CLAIM, CIVIL, AND LANDLORD TENANT JUDGMENT COLLECTION PROCESS

General information:

- If you receive a judgment in your favor, the defendant has thirty days from the date on it to pay you in full.
- If the defendant does not pay within that period, you may file a Motion for Periodic Payments which will trigger an order of notice (payment) hearing where the judge will enter an Order for Payments.
- If the defendant does not comply with a signed Agreement or the judge's Order for Payments, you may file an Affidavit of Noncompliance which will trigger a contempt or show cause (payment) hearing.

Forms listed below are needed to start this action:

- Motion for Periodic Payments (NHJB-2364-DP) available in the Clerk's Office or online.
- OR
- Affidavit of Noncompliance (NHJB-2423-DP) available in the Clerk's Office or online.

Information needed to fill out the motion or affidavit:

- You need your case information including party names and docket number. If there was a prior payment order you need the date of that order.
- You need a current address for the defendant to have the defendant served by mail or sheriff.
- You need to indicate the current balance of the case and when the last payment (if any) was made.

How much will this cost?

- Filing fee of **\$25.00** for Motions for Periodic Payments. This amount will be added onto the judgment the defendant is liable for paying, but must be paid by the plaintiff up front.
- You will mark on the form if you want service to be made by certified mail or sheriff. Either method will have a fee attached. Again, this fee will be added to the judgment, but must be paid up front.
- If your first attempt at serving the defendant fails and you need to try again, there is a **\$25.00** fee to reissue Orders of Notice and you would have to pay certified mail or sheriff's fees as well.
- There is **no fee** to file an Affidavit of Noncompliance, but you will be responsible for certified mail or sheriff's fees and a **\$25.00** filing fee if you require reissued Orders of Notice.

What happens next?

- When you submit the form to the court you must send a copy of it to the defendant via regular mail. Receiving this paperwork sometimes prompts them to make payment to avoid a court hearing.
- The court will generate Orders of Notice (hearing notice) and mail them to you. There will be a copy for you, for the defendant, and a service copy. Based on your selection, you must then follow the instructions on the first page of the paperwork and bring the Orders of Notice to the sheriff to serve or to the Post Office to be mailed certified mail, restricted delivery.

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- The sheriff or Post Office will send you proof of service. You must forward this to the court so it can be added to the file.
- On the day of the hearing the defendant will fill out a financial affidavit which may be reviewed by you. The judge will then review the financial and make an order for installment or lump sum payment.
- Sometimes the parties can reach an agreement and avoid coming to court. If that happens, the parties should fill out an agreement form (**NHJB-2202-DFPS**) indicating the balance owed and the terms of repayment. Both parties sign the form and it can be submitted to the court for approval. A signed agreement can be enforced like any other court order.
- If the defendant fails to appear the day of the hearing and there is proof of service, the judge may issue an Order of Arrest for the defendant. Upon arrest the defendant will have to post bail and will be given a date to appear in court. You will receive notice of that date and may appear as well.
- If you don't provide the court with proof of service, and the defendant does not appear, the case will be closed with no further order.
- If you couldn't locate the defendant for service and subsequently find a good address, you may request new orders of notice in writing with the filing fee.
- If the defendant fails to comply with the payment order, you start the process at the stage of an Affidavit of Noncompliance.

Forms and Instructions are available at any NH District Court

Additional information can be found at:

www.courts.state.nh.us/district