

(TYPE OR PRINT IN BLACK INK)

STATE OF NORTH CAROLINA

_____ County

File No.

In The General Court Of Justice

District Superior Court Division

STATE VERSUS

Name Of Defendant

Date Of Judgment Suspending Sentence

Name Of County Of Origin

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

G.S. 15A-1340.38

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. Use this form to compute balance of restitution due on revocation or termination of probation. Use the "Restitution Worksheet, Notice and Order (Initial Sentencing)," AOC-CR-611, to compute and order restitution at initial sentencing. To calculate the balance due a victim or aggrieved party, review restitution awards against other persons held jointly and severally liable to that victim with the defendant, and credit the total of all amounts paid to that victim pursuant to such awards toward the defendant's balance due. If a victim's or aggrieved party's Social Security Number or Tax ID number was not entered on the AOC-CR-611, record it on the AOC-CR-382 and deliver that form to bookkeeping.

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. If the original award to a single victim exceeded \$250.00, record docketing information from the county of origin for the civil judgment entered in that victim's favor.

VRA VICTIM INFORMATION

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

Telephone No.

Docketing Info
Bk/Pg. or Abs No.
/

BALANCE DUE ON RESTITUTION
NOTE: If there is no balance due, enter "zero."
Original Award:

\$ _____

Balance Found Due:

\$ _____

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

Telephone No.

Docketing Info
Bk/Pg. or Abs No.
/

Original Award:

\$ _____

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

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

Telephone No.

BALANCE DUE ON RESTITUTION
NOTE: If there is no balance due, enter "zero."
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:

\$ _____

(Over)

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

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

Telephone No.

\$ _____

Balance Found Due:

\$ _____

Name And Address 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 (*check only one*)

- has been ordered terminated effective (date) _____.
- was revoked or terminated on the date of this order.

The "Balance Due On Restitution" for each Victims' Rights Act victim in Part II of this form may be collected by execution as of the date of termination, 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 _____

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 it is 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 V 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 _____

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.