

STATE OF NORTH CAROLINA
ALAMANCE COUNTY

FILED IN THE GENERAL COURT OF JUSTICE
DISTRICT & SUPERIOR COURT DIVISION
2021 JAN 14 P 4:00


ALAMANCE COUNTY, N.C.
ADMINISTRATIVE ORDER

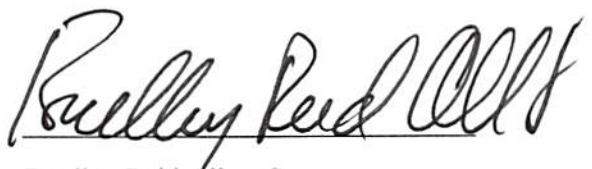
Amending September 17, 2009 Administrative Order Concerning the Installment Fee of N.C.G.S. 7A-304(f)


THIS ORDER addresses the installment fee imposed by N.C.G.S. 7A-304(f).

1. Section 7 of the September 17, 2009 order is hereby replaced with:
The installment fee is independent of the failure to comply fee imposed by N.C.G.S. 7A-304(a)(6). Accordingly, if a defendant fails to pay within forty (40) days of the date of payment specified in the judgment, the Clerk shall then assess the failure to comply and installment fees and, in appropriate cases, report the failure to comply to the Division of Motor Vehicles as required by N.C.G.S. 20-24.2. If a defendant is placed on supervised probation (and the costs will be paid under the direction of the probation department), the installment fee will be immediately assessed in the bill of costs on the day of judgment.
2. Section 1(c) of the September 17, 2009 is hereby replaced with:
Does not pay all monetary obligations of the judgment within forty (40) days from entry of the judgment.
3. From September 1, 2020 through December 31, 2020, due to the COVID-19 pandemic, all installment fees were not assessed until forty (40) days after the entry of the judgment.
4. All other sections of the September 17, 2009 Administrative Order will remain in full effect and are not modified.

This the 14th day of Jan., 2021.


D. Thomas Lambeth, Jr.
Senior Resident Superior Court Judge


Bradley Reid Allen, Sr.
Chief District Court Judge

Consented to: 
Sean Boone
District Attorney

) **ADMINISTRATIVE ORDER CONCERNING**
) **THE INSTALLMENT FEE OF G.S. 7A-304(F)**

THIS ORDER addresses the procedures for the assessment of the installment fee imposed by G.S. 7A-304(f) (hereinafter "installment fee").

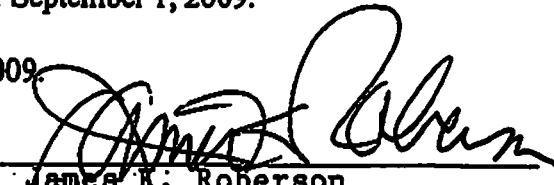
1. **Except as otherwise provided in this Order or in the court's judgment in an individual case, the office of the Clerk of Superior Court (hereinafter "Clerk") is hereby directed to assess the installment fee, without further order of the presiding judge, against any defendant who:**
 - a. **Is found responsible for an infraction or guilty of a criminal offense;**
 - b. **Is ordered to pay any monetary obligation in the judgment of the court; and**
 - c. **Does not pay all monetary obligations of the judgment on the date when costs are assessed.**
2. **Paragraph 1 of this Order applies to all defendants, including, without limitation, those who are ordered to pay immediately, allowed to pay on a date after the entry of judgment, and paying pursuant to a schedule. The installment fee shall be assessed as directed herein whether the defendant is to make a single payment or a series of payments.**
3. **For the purposes of this Order, an order placing a defendant on probation pursuant to a deferred prosecution or a conditional discharge, and requiring payment of monies as a condition thereof, is a "judgment."**
4. **If a defendant's case is disposed at or after the end of the business day, such that the defendant is unable to make any payment on the date costs are assessed, the Clerk shall assess the installment fee if the defendant does not pay all monetary obligations of the judgment by end of business on the court's next business day.**
5. **If, due to a large number of cases disposed by an attorney on a single court date, the Clerk is unable to process payments for all of that attorney's judgments on that date, the Clerk may arrange with the attorney to process the payments on the court's next business day. The Clerk shall assess the installment fee for any such judgment if the monetary obligations of the judgment are not paid in full by end of business on the court's next business day.**
6. **Any defendant disposing of a case by written appearance, waiver of trial or hearing, and plea of guilty or admission of responsibility before a magistrate pursuant to G.S. 7A-273(2) or before the Clerk pursuant to G.S. 7A-180(4) shall not be assessed the installment fee if monetary obligations for the case disposed are paid in full on the date the written waiver is tendered.**

7. The installment fee is independent of the failure to comply fee imposed by G.S. 7A-304(a)(6). Accordingly, if a defendant fails to pay within twenty (20) days of the date of payment specified in the judgment, the Clerk shall assess the failure to comply fee and, in appropriate cases, report the failure to comply to the Division of Motor Vehicles as required by G.S. 20-24.2.
8. This Order applies to criminal and infraction cases for which judgment is entered by the court or the case disposed by waiver on or after September 1, 2009.

This the 17th day of September, 2009.



J. B. Allen, Jr.
Senior Resident Superior Court Judge



James K. Roberson
Chief District Court Judge