

Form 1A

NOTICE OF JUDGMENT		DOCKET NO.		TRIAL COURT OF MASSACHUSETTS SMALL CLAIMS SESSION			
PLAINTIFF (LAST NAME)		VS. DEFENDANT (LAST NAME)		NAME AND ADDRESS OF COURT		BOTH THE PLAINTIFF AND THE DEFENDANT MAY HAVE TO ATTEND ON THIS DATE AND TIME. SEE INSTRUCTIONS <div style="display: flex; justify-content: center; align-items: center;"> </div>	
P L A I N T I F F		D E F E N D A N T		DATE & TIME OF PAYMENT REVIEW			
				_____ AT _____ DATE TIME			
				PLAINTIFF'S ATTORNEY			
				DEFENDANT'S ATTORNEY			

TO THE ABOVE NAMED DEFENDANT:

The box marked below shows the action of the court on the claim brought by you.

Judgement was entered on _____ ☐ by default ☐ after hearing ☐ by agreement.

DATE

☐ The Court found judgment in favor of the **plaintiff**. The defendant must pay \$_____ damages and \$_____ costs, for a total amount of \$_____. The defendant is required by law to pay the plaintiff the total amount. This constitutes a legal obligation by the defendant to pay this amount. If the Court made a PAYMENT ORDER, it is as follows:

1. ☐ The Court ordered the defendant to pay the total amount by _____.

DATE
2. ☐ The Court ordered the defendant to pay the total amount by paying \$_____ week _____ month starting on _____.

DATE
3. ☐ The Court scheduled a payment review hearing on the date and time indicated above.
4. ☐ Other conditions:

☐ The Court found judgment in favor of the **defendant**. This means that the defendant does not have to pay the plaintiff any part of the claim or costs in this case.

☐ The Court dismissed the claim.

☐ Other:

NOTICE TO DEFENDANT:


If the Court has found against you and has made a PAYMENT ORDER, you may be held in contempt of court and punished if you do not pay the amount ordered and you are financially able to do so. All payments are to be made directly to the plaintiff or to the plaintiff's attorney unless otherwise ordered by the Court.

If the Court has found against you and has scheduled a PAYMENT REVIEW HEARING, you must attend the payment review hearing unless you are in full compliance with the Court's payment order. If you do not attend the payment review hearing and the plaintiff states under the penalties of perjury that you are not in full compliance with the Court's payment order, then without further notice the Court may issue a civil arrest warrant (capias) for your arrest.

See the instructions on the back of this form for what options are available to you. Please note that if an appeal to a judge or jury is available to the defendant, it must be claimed within 10 days of receiving notice of the magistrate's judgment.

ATENCIÒN: ESTE ES UN AVISO OFICIAL DE LA CORTE. SI USTED NO SABE LEER INGLÈS, OBTENGA UNA TRADUCCIÒN.

Form 1A (continued)

NOTICE OF JUDGMENT		DOCKET NO.	TRIAL COURT OF MASSACHUSETTS SMALL CLAIMS SESSION 
PLAINTIFF (LAST NAME)	VS. DEFENDANT (LAST NAME)	NAME AND ADDRESS OF COURT	BOTH THE PLAINTIFF AND THE DEFENDANT MAY HAVE TO ATTEND ON THIS DATE AND TIME. SEE INSTRUCTIONS ← ← ←
P L A I N T I F F		DATE & TIME OF PAYMENT REVIEW _____ AT _____ DATE TIME	
D E F E N D A N T		PLAINTIFF'S ATTORNEY	
		DEFENDANT'S ATTORNEY	

TO THE ABOVE NAMED PLAINTIFF:

The box marked below shows the action of the court on the claim brought by you.

Judgement was entered on _____ ☐ by default ☐ after hearing ☐ by agreement.
DATE

- ☐ The Court found judgment in favor of the **plaintiff**. The defendant must pay \$_____ damages and \$_____ costs, for a total amount of \$_____. The defendant is required by law to pay the plaintiff the total amount. This constitutes a legal obligation by the defendant to pay this amount. If the Court made a PAYMENT ORDER, it is as follows:

- ☐ The Court ordered the defendant to pay the total amount by _____.
DATE
- ☐ The Court ordered the defendant to pay the total amount by paying \$_____ week _____ month starting on _____.
DATE
- ☐ The Court scheduled a payment review hearing on the date and time indicated above.
- ☐ Other conditions:

- ☐ The Court found judgment in favor of the **defendant**. This means that the defendant does not have to pay the plaintiff any part of the claim or costs in this case.

- ☐ The Court dismissed the claim.

- ☐ Other:

NOTICE TO PLAINTIFF:

See the instructions on the back of this form for what options are available to you. If the Court has found in your favor and the defendant fails to pay as ordered:

1. *If a payment review hearing is scheduled*, sign and date the certificate below and bring it with you to the payment review hearing. If the defendant fails to attend, you may ask the magistrate or judge to issue a *capias* (civil arrest warrant) for the defendant's arrest. You must arrange for the *capias* to be served on the defendant by a constable or deputy sheriff.

2. *If a payment review hearing is not scheduled*, sign and date the certificate below and return it, by mail or in person, to the clerk-magistrate's office at the court address above. The clerk-magistrate's office will schedule a hearing and issue a Notice to Show Cause to be served on the defendant by a constable or deputy sheriff.

I certify under the penalties of perjury that the defendant has failed to obey the Court's payment order.

X _____ DAYTIME PHONE _____ DATE _____
PLAINTIFF

ATENCIÓN: ESTE ES UN AVISO OFICIAL DE LA CORTE. SI USTED NO SABE LEER INGLÉS, OBTENGA UNA TRADUCCIÓN.

Form 1A (continued)

INFORMATION ABOUT THIS SMALL CLAIMS JUDGMENT	
<p>Your small claims case has been decided. The judgment (decision) of the magistrate judge or jury is enclosed. A Judgment Creditor is a person (or business) who won the case and is entitled to collect money. A Judgment Debtor is a person (or business) who lost the case and who owes the money. The word claim means a claim for money damages. For more information, see Massachusetts General Laws chapter 218, sections 21-25, and the Uniform Small Claims Rules (Trial Court Rule III), at any public library or Trial Court law library.</p>	
<p style="text-align: center;">IF YOU WIN THE CASE BEFORE THE MAGISTRATE</p> <p><i>If you were sued by the other party and won</i>, the other party may not appeal from the magistrate's decision on that claim against you.</p> <p><i>If you sued the other party and won</i> and the magistrate awarded you money on your claim against the other party, you cannot collect the money until the time for appeal ends or until the appeal is decided. If there is no appeal, or if you win again on appeal, here are some steps you may take to collect your money:</p> <ol style="list-style-type: none"> 1. Ask for payment Ask the Judgment Debtor to pay the money or to turn over the property, as ordered by the magistrate. 2. Payment review hearing If the magistrate has scheduled a payment review hearing and the Judgment Debtor does not pay the money before the hearing, the magistrate will examine the Judgment Debtor concerning his or her ability to pay the money, and may order immediate payment or a payment plan. You may examine the <i>Financial Statement of Judgment Debtor</i> form, and present any information to the magistrate that is relevant to the Judgment Debtor's ability to pay. If the magistrate determines that the Judgment Debtor is not financially able to pay any money now, you may ask the magistrate to schedule the matter for review on some future date. 3. Notice to show cause If the magistrate has not scheduled a payment review hearing and the Judgment Debtor does not pay the money, ask the clerk-magistrate's office to issue to you a <i>Notice to Show Cause</i>, requiring the Judgment Debtor to appear before the court. You must be in court on that date. You must pay a fee to a municipal constable or a county deputy sheriff to serve this form on the Judgment Debtor, but that amount will be added to what the Judgment Debtor owes. 4. Capias (civil arrest warrant) If the Judgment Debtor does not appear as ordered at the payment review hearing or after being served with a <i>Notice to Show Cause</i>, ask the clerk-magistrate's office to issue a <i>Capias</i> (a civil arrest warrant) for the Judgment Debtor. You must pay a fee to a constable or a deputy sheriff to arrest the Judgment Debtor and bring him or her to court, but that amount will be added to what the Judgment Debtor owes. Give the constable or deputy sheriff your daytime telephone number, and ask him or her to contact you when the Judgment Debtor is arrested and is to be brought to court. 5. Writ of execution If you can identify any property of the Judgment Debtor (real estate, motor vehicles, etc.) that could be taken and sold to pay your judgment, ask the clerk-magistrate's office to issue you a <i>Writ of Execution</i>. You must give the <i>Writ of Execution</i> to a constable or a deputy sheriff to seize and sell property of the Judgment Debtor to pay your judgment. 	<p style="text-align: center;">IF YOU LOST THE CASE BEFORE THE MAGISTRATE</p> <p><i>If you sued the other party and lost</i> and the magistrate did not award you any money, that decision is final. You have lost your case and the other party does not have to pay you anything. You may <i>not</i> appeal from the magistrate's decision on your claim against the other party.</p> <p><i>If you were sued by the other party and lost</i> and the magistrate ordered you to pay money to the other party, you must do one of the following four things:</p> <ol style="list-style-type: none"> 1. Pay the judgment in full within 30 days You must pay the full amount of the judgment. If you do not pay that amount as ordered and you are able to do so, you may be held in contempt of court and imprisoned or assessed additional costs. Pay the full amount directly to the Judgment Creditor unless the magistrate has ordered otherwise. In order to protect your credit record, you may ask the Judgment Creditor to sign a <i>Satisfaction of Judgment</i> form acknowledging your payment in full, and file that form with the clerk-magistrate's office. If the magistrate ordered you to turn over property to the Judgment Creditor, you must do so. 2. Ask the magistrate to set a payment plan <i>If the magistrate has scheduled a payment review hearing</i>, at the hearing you may ask the magistrate to order a payment plan you can afford, or to determine that you are unable to pay anything right now. If you are requesting a payment plan or a payment reprieve, you must fill out the enclosed <i>Financial Statement of Judgment Debtor</i> form (or obtain one from the clerk-magistrate's office), send a copy to the Judgment Creditor, and bring it with you to the hearing, along with any documentation you have regarding your financial status (tax return, salary stub, etc.) <i>If the magistrate has not scheduled a payment review hearing</i> and you want to request a payment plan or a payment reprieve, ask the clerk-magistrate's office to schedule a payment review hearing before a magistrate. Do not wait until you are required to come to court or you may be liable for additional costs. 3. Appeal to a judge or jury <i>If you did not appear at the trial before the magistrate</i> (this is called a <i>default</i>), you may not appeal from the magistrate's decision on the other party's claim. <i>If you did appear at the trial before the magistrate</i>, you may appeal for a new trial by either a judge or jury. To do so, within 10 days after you receive written notice of the magistrate's decision you must file with the clerk-magistrate's office your Defendant's Claim of Appeal form, indicating whether you want a trial by a judge or before a jury, along with the \$25 appeal fee (which is nonrefundable) and a \$100 appeal bond or deposit (which is refundable if you win on appeal, or is credited against what you owe if you lose on appeal). The appeal fee and bond may be reduced or waived if you are indigent. On appeal, the judge or jury will reach a new decision, but may take into account that the magistrate previously decided the claim against you. 4. File a motion to vacate the judgment Whether or not you appeal at the trial before the magistrate, within one year you may ask the magistrate to vacate (cancel) the judgment. Such a request is normally allowed only for a good reason. To make such a request, ask the clerk-magistrate's office to help you file and schedule a <i>Motion to Vacate Judgment</i>.
<p style="text-align: center;">ARE YOU REQUIRED TO BE IN COURT FOR THE PAYMENT REVIEW HEARING?</p> <p>If the case is scheduled for a payment review hearing:</p> <ol style="list-style-type: none"> 1. If payments are current If the Judgment Debtor is in compliance with the Court's payment order, then neither the Judgment Creditor nor the Judgment Debtor is required to be in court for the scheduled payment review hearing. 2. If payments are not current If the Judgment Debtor is not in compliance with the Court's payment order, then both the Judgment Creditor and the Judgment Debtor must be in court for the scheduled payment review hearing. If the Judgment Debtor fails to attend and the Judgment Creditor states under the penalties of perjury that the Judgment Debtor is not in compliance with the Court's payment order, then without further notice the Court may issue a civil arrest warrant (capias) for the Judgment Debtor's arrest. 	