

IN THE CIRCUIT COURT OF _____, MISSISSIPPI

STATE OF MISSISSIPPI

VS.

CAUSE NO.: _____

**SWORN AFFIDAVIT AND NOTICE OF INABILITY TO PAY
THE ENTIRE COURT-ORDERED MONTHLY INSTALLMENT PAYMENTS**

COMES NOW, the Defendant in the above referenced matter and files this Sworn Affidavit and Notice of Inability to Pay the Entire Court-Ordered Monthly Installment Payments on the assigned fines, fees, assessments, costs, and restitution, and requests that this Court set a Show Cause Hearing to determine Defendant's ability to pay the entire Court-ordered monthly installments on the assigned fines, fees, assessments, costs, and restitution under this Court's Order of Conviction and Sentence.

Affiant personally appeared before the under-signed authority and after being sworn and placed under oath did swear and depose as follows:

1. An Order of Conviction and Sentence was entered in this matter on _____ (date) and Defendant was directed to pay a total of \$_____ in restitution, fines, fees, and assessments. These payments were to begin on _____ (date) at the rate of \$_____ per month. At that time, Defendant swore that Defendant could pay the monthly installment payments set out in the Order of Conviction and Sentence.
2. The Defendant is now unable to pay for the following reasons:
 - a. _____.
 - b. _____.
 - c. _____.

3. Since the entry of this Court's Order, the following material changes in Defendant's circumstances have occurred that prevent Defendant from making the installment payments as ordered by the Court:

- a. _____.
- b. _____.
- c. _____.

4. Defendant further provides the Court with the following relevant information:

- a. Age: _____
- b. Marital Status: _____
- c. Children: _____
- d. Employer: _____
- e. Hours worked per week: _____
- f. Rate of Pay: _____
- g. Monthly Income: _____
- h. Monthly Expenses: _____
- i. I also receive income from the following:
 - Social Security Income or Disability \$ _____
 - Worker's Compensation \$ _____
 - Veteran's Benefits \$ _____
 - Pension or Retirement \$ _____
 - € Income Tax Refund \$ _____
 - Other income \$ _____
- j. I own the following real property:
 - _____, which is valued at \$_____.
- k. I rent a residence for \$_____ per month.
- l. I own the following automobiles (cars, trucks, motorcycles, etc.): _____
 - _____
 - which is/are valued at \$_____, in total.
- m. I have the following accounts at financial institutions:
 - € Checking at _____, containing \$_____.

€ Savings at _____, containing
\$ _____.

€ Investment at _____, containing
\$ _____.

n. The following people or companies owe me money:

_____.

o. I own the following items of value (disclose all boats, jewelry, antiques, computer or stereo equipment, office equipment, ATVs, trailers, or other items of value):

_____.

5. Defendant swears that Defendant can pay a reduced monthly payment of \$_____ and agrees that Defendant's period of payments shall be extended for _____ months.

WHEREFORE, Defendant requests that this Court set a Show Cause Hearing to determine whether there has been a material change in Defendant's financial condition since the entry of Defendant's plea and whether this Court should reduce the Defendant's obligations under the Order of Conviction and Sentence based upon this Sworn Affidavit and Notice of Inability to Pay the Entire Court-Ordered Monthly Installment Payments.

Respectfully submitted on this the _____ day of _____, 20_____.

DEFENDANT

NOTARY CERTIFICATE

I further swear, under oath, that everything contained in the above Sworn Affidavit and Notice of Inability to Pay the Entire Court-Ordered Monthly Installment Payment is true and correct. I understand that any false statement made by me in the foregoing document could subject me to prosecution for perjury.

WITNESS MY SIGNATURE this the _____ day of _____,
20____.

DEFENDANT

STATE OF MISSISSIPPI

COUNTY OF _____

PERSONALLY APPEARED before me, the undersigned authority in and for the jurisdiction aforesaid, the within named, who first being duly sworn, states on oath that the matters and things contained in the foregoing statement are true and correct as therein set forth.

SWORN TO AND SUBSCRIBED before me, this the _____ day of _____, 20____.

NOTARY PUBLIC

MY COMMISSION EXPIRES: