

# How To Fight Your Wage Theft Case in Small Claims Court

A Guide for Workers and Advocates in Jefferson County, Alabama



Adelante Alabama Worker Center



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**DISCLAIMER:** *This guide is meant to serve as a general resource and is not a substitute for the advice or assistance of an experienced lawyer.*

Created by Adelante Alabama Worker Center

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For more information, visit [www.adelantealabama.org](http://www.adelantealabama.org)

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## INTRODUCTION

Wage theft is widespread in Birmingham and across the country, especially in industries that employ large numbers of low-wage workers, people of color, and immigrants. Every year, **U.S. employers steal billions of dollars** from their employees' wages. Yet Alabama workers have few legal options to recover their stolen wages.<sup>1</sup> **Alabama is one of only five states with no minimum wage,**<sup>2</sup> and there is no state or local agency dedicated to investigating and resolving wage theft cases. Most workers have a right to earn at least the minimum wage (\$7.25 per hour) and other protections under federal law. But bringing a lawsuit in federal court is expensive, and federal labor laws do not cover all workers (like independent contractors) and might not guarantee the right to recover all of the wages the worker is owed. Filing a claim against an employer in Small Claims Court may be the best – and sometimes only – option available for Alabama workers to take legal action to recover their unpaid wages.

### **What is wage theft?**

Wage theft is when an employer fails to pay a worker all of the wages she is owed for work she has done. It can take many forms, including:

- Underpayment – paying only part of the wages owed, or paying less than the amount required by law or a valid contract (can include oral agreements)
- Complete nonpayment of wages
- Late payment
- Paying with a check with insufficient funds
- Stealing tips
- Making illegal deductions from wages

This guide provides an overview and step-by-step information to workers and their advocates on how to bring wage claims in Small Claims Court in Jefferson County, Alabama, which includes the City of Birmingham and some surrounding suburbs. We encourage the users of this guide to think of a small claims case as one helpful tool in a larger workers' rights defense toolkit that also includes community education, organizing, direct action, and media advocacy.

### **What is Small Claims Court?**

Small Claims is a division of the civil District Court in each county in Alabama that is dedicated to resolving disputes involving **\$6,000 or less**. Small Claims is designed to be **more accessible** for people who don't have a lot of resources – the filing fees are lower, the process is simplified, and you can represent yourself.

If you are owed more than \$6,000, you must bring your claim in the District Court or Circuit Court, which have higher filing fees and a more complicated process. For these cases, we recommend consulting with a lawyer. In some wage theft cases, you may also be able to file a claim with the U.S. Department of Labor<sup>3</sup> – see page 6 of this Guide for information on how to contact DOL.

### **Who can file a lawsuit in Small Claims Court?**

Any individual who is an adult (19 years or older) and mentally competent can file a claim in Small Claims Court. Corporations (for example, a business that is registered as an LLC) and partnerships can also sue and be sued in Small Claims Court.

You do not need to be a U.S. citizen or legal resident to file a claim, and the judge and court personnel **should not ask about your immigration status** when it is not relevant to the case. Every worker in Alabama has the right to be paid for their work, regardless of their immigration status.

**Do I need a lawyer to file a case in Small Claims Court?** No. But you are allowed to hire a lawyer to represent you if you choose to do so. Your employer may also choose to hire a lawyer, or they may represent themselves.

## PREPARING YOUR CASE

### In which county should I file my claim?

Under Alabama law, you can file a claim for unpaid wages either in the county:

- 1) Where one or more of your employers resides, or (for a company) has its principal office, **or**
- 2) Where the work was performed.<sup>4</sup>

If your employer does not have a home or office in Jefferson County and your worksite was located in another county, you probably cannot file your case in Jefferson County.

→ **Tip:** If you know the address for your employer or the worksite but aren't sure which county it is located in, enter it here: <https://myinfo.alabamavotes.gov/voterview> (under "Polling Place Search") and scroll down to "Districts" to see which county is listed.

### Is there a time limit for filing my claim?

The statute of limitations for a breach of contract claim (the legal basis for most wage claims) in Alabama is **six years** from the date of the violation—the date your wages should have been paid.<sup>5</sup> A written contract is not required – an oral agreement can also count.

### How do I start a case in Small Claims Court?

To start a case, you will need to fill out a **Statement of Claim** (see *Appendix A* for a sample and *Appendix C* for a link to the blank form) and file it with the court by following the steps on page 3 of this Guide under "Filing Your Claim."<sup>6</sup> For wage claims, there are a few key pieces of information that any worker should include on the Statement of Claim:

- Your name – on the line for "Plaintiff" near the top of the form
- Your employer's name – on the line for "Defendant"
- Your address – next to "Plaintiff's Home Address" (you can list a "c/o" address if you prefer to receive notifications about the case at somewhere other than your home address)
- Your employer's home address (or office address if your employer is a business) – next to "Defendant's Home Address"
- The names and addresses of any additional employers – next to "Additional Defendant(s) and Addresses"
- The amount you are owed – on line No. 1 under "COMPLAINT" on the bottom half of the form
- A brief description of *why* you are owed that amount (under line No. 1), including: the approximate dates and location(s) where you worked, the type of work you did, the payment agreement between you and your employer, and your employer's failure to honor that agreement

→ **Tip:** If you don't know your employer's name and address, **you will not be able to initiate a case against them.** If you don't have this information, try searching:

- Business records on the Secretary of State's website:  
[arc-sos.state.al.us/CGI/CORPNAME.MBR/INPUT](http://arc-sos.state.al.us/CGI/CORPNAME.MBR/INPUT)
- Property records on the Jefferson County Tax Assessor's website:  
[https://eringcapture.jccal.org/caportal/CAPortal\\_MainPage.aspx](https://eringcapture.jccal.org/caportal/CAPortal_MainPage.aspx)
- Google, LinkedIn, Facebook, and other social networking sites

You may include additional details or attachments, such as a copy of a written contract between you and your employer, photos of the worksite or the completed work, a copy of a bounced paycheck, or a more detailed statement from you about what happened. It's up to you how much information you want to include in the Statement of Claim. If you and your employer aren't able to resolve the case before trial, you will have the opportunity to present additional information and documents to the court during the trial.

## What are the filing fees for small claims cases in Jefferson County?

Amount of claim (one plaintiff, one defendant)	Filing fee
Up to \$1,500	\$66
\$1,500.01 to \$3,000	\$140
\$3,000.01 to \$6,000	\$229
Each additional plaintiff	\$50
Each additional defendant	\$10

There may be additional fees charged during the case. You can find the most up-to-date information on filing fees at: <https://jefferson.alacourt.gov/filing-fees/> (click on "District Civil Cases").

## What if I can't afford the filing fee?

You can ask the court to waive the filing fee and other costs by filing an **Affidavit of Substantial Hardship** (see *Appendix C*) along with your Statement of Claim. You will need to provide detailed information about your financial situation, and you must sign the form **in front of a notary**. The court will review the affidavit and enter an order granting or denying the fee waiver. Even if it is granted, the judge may still require you to pay the fees at the end of the case.

→ **Tip: Need to find a notary?**

*Most pharmacies, banks, UPS stores, and other locations provide notary services. You will need to show a government-issued photo ID.*

## Can I claim interest, court costs, and attorney's fees?

Under Alabama law, you can generally claim interest on your breach-of-contract claim for unpaid wages at a rate of **7.5% per year**, starting on the date the wages were due.<sup>7</sup> You can also ask the court to require your employer to pay your court costs (the filing fee plus any other costs you incurred in your case) if you win your case. On line No. 2 on the Statement of Claim, write the amount of the filing fee on the line for **court costs**, and you can estimate the amount of interest you are owed or just write "TBD" on the line for **interest**. The court will calculate the total amount of interest and costs at the time a judgment is entered. Attorney's fees are generally not available in wage claims in Small Claims Court. Also, if you are representing yourself, you cannot claim attorney's fees if you did not hire a lawyer.

## FILING YOUR CLAIM

### Follow these steps to file your small claims case with the court:

1. Fill out and sign page 1 of the **Statement of Claim**
2. Get a **money order or cashier's check** (payable to "Jacqueline A. Smith") or **cash in the exact amount** for the filing fee; OR if you are asking the court to waive the filing fee, fill out the **Affidavit of Substantial Hardship** and **sign it in front of a notary**
3. Make **two copies** (one-sided, black and white) of the completed forms and any attachments
4. Bring the original forms and copies, plus the filing fee (if applicable), to the Small Claims Division in **Room 420** the Jefferson County Courthouse (see page 6 of this Guide for the courthouse address and contact information)
5. Tell the clerk you'd like to file a new small claims case and give them the forms. The clerk will stamp the forms with the case number and filing date, and return one copy to you. **Save your copy** and make a note of your case number.

## AFTER FILING – WHAT COMES NEXT & COMMON ISSUES

### What happens after I file my case?

- **Service:**<sup>8</sup> The clerk will give a copy of the Statement of Claim along with a **Summons** (a notice to the defendant – in this case, your employer – that a lawsuit has been filed against them) to the sheriff or constable to deliver to your employer at the address you listed on the Statement of Claim. The sheriff will make several attempts to “serve” the lawsuit on your employer. This can take a few weeks or even a month or more, depending on how busy the court and sheriff’s office are. Once your employer has been served, the sheriff will file a **Notice of Service** with the court, and you should receive a copy in the mail.
- **Answer:** After your employer is served with a copy of the lawsuit, they have **14 days** from the date of service to file an Answer (see *Appendix C*) with the court and mail you a copy.<sup>9</sup> The answer is your employer’s opportunity to admit or deny the claims in your Statement of Claim and raise any defenses. They may also file a **counterclaim** against you – for example, if your employer claims that you owe *them* money for damaged or stolen property.<sup>10</sup>
- **Trial:** After your employer files an answer, the court will set a date for a trial. It may take several months to schedule the trial, depending upon the court’s schedule. You will receive a notice in the mail with the date, place and time for the trial.<sup>11</sup> The judge may also schedule a pre-trial conference with you and your employer to discuss the case before the trial.<sup>12</sup>

### What if I have trouble serving my employer?

If several weeks go by after filing your case and you haven’t received a Notice of Service from the court, you should **contact the court clerk** (see page 6 of this Guide for contact info) to ask whether your employer has been served. If you receive a “notice of no service” or the clerk tells you that the sheriff was unable to serve your employer, you may have to try to serve them another way – you can ask the court to try to serve the lawsuit on your employer **via certified mail** for an additional fee, or you can hire a private process server to do the job (but that can be expensive). **If you are unable to serve the lawsuit on your employer, your case will eventually get dismissed.**

### What if my employer doesn’t file an answer?

If your employer is served with a copy of the lawsuit and fails to file an answer within the 14-day deadline, you can ask the court to enter a **default judgment** against them.<sup>13</sup> There is a \$50 filing fee for defaults in cases involving \$3,000 or more; there is no fee for cases under \$3,000. You will need to complete an **Application and Affidavit for Entry of Default** (see *Appendix C*), sign it **in front of a notary**, and bring two copies of the completed form along with the filing fee (if applicable) to the clerk’s office for filing. If the court enters a default, it has basically the same legal force as a judgment entered in your favor after a trial. If the court denies your request for a default, you will still have the opportunity to take your case to trial in front of the judge.

### What if I reach an agreement with my employer before trial?

The parties to a lawsuit are allowed to negotiate and reach a resolution outside of court – also known as a **settlement** – at any point during the case. If your employer agrees to pay you what you are owed, you should make sure to confirm the agreement **in writing** (see *Appendix B* for a sample payment agreement), and inform the clerk’s office that the case has been settled.

## TRIAL & JUDGMENT

### What do I need to do to prepare for trial?

Trials in Small Claims Court are less formal than in other courts. The parties often represent themselves, and there's no jury – the judge will hear and decide the case. But it's still important to **arrive early and be prepared**:

- You should practice **your testimony**, making sure you have all of the important facts straight in your head – the amount you are owed, where you worked, the dates and hours you worked, and any oral or written agreements with your employer.
- You should bring any **documents** that you think may help your case – things like check stubs, photos, text messages from your employer, and your notes on the hours you worked.
- You can also bring **other witnesses** with you who have firsthand knowledge of important facts in your case – for example, coworkers, friends, or family members who can testify to the hours you worked, or the owner of the property where you worked. If you want the court to call a witness who will not come voluntarily, you can fill out a **Subpoena Request Form** (see *Appendix C*) and file it with the court.<sup>14</sup> The court will issue an order to the witness to appear for your trial.
- If you or any of your witnesses plan to testify in a language other than English, you will probably need to bring an **interpreter**. You should contact the clerk at least a few weeks before the trial to ask about any requirements the court has for interpreters.

As the plaintiff, you will present your testimony, witnesses, and other evidence first, and then your employer will present their case. You can also ask questions of your employer and any of the witnesses who testify on their behalf; the judge may also ask questions of you, your employer, and any other witnesses. **Failure to appear for trial or other court dates could lead to your case being dismissed.**

### What happens after the trial?

The judge will enter a **judgment**, ruling either in your favor or in favor of your employer. The judge may require your employer to pay you the full amount of unpaid wages you claimed (plus interest and court costs, if the judge decides to award them), or some other amount, depending on the evidence presented at trial and what the judge believes the law requires.

### What if the court rules against me?

You may decide to appeal your case to the Circuit Court. To do so, you must file a **Notice of Appeal** within **14 days** of the date the judgment is entered and pay the filing fee for the appeal and post a bond for court costs (or request a fee waiver).<sup>15</sup>

### What do I do if my employer refuses to pay the judgment?

Even once you win your case in court, your employer may refuse to pay the judgment, despite the fact that they are legally required to do so. **It is not the responsibility of the judge or court clerk to collect the judgment for you.** You have several options to try to enforce the judgment, including **filing a lien** against your employer's property, or asking the court to **garnish their paycheck** or issue a **writ of execution**, which allows the sheriff to seize the employer's property and auction it off to pay off the judgment.<sup>16</sup> All of these options require filing additional forms and supporting documents with the court. We recommend speaking with a lawyer if you need help enforcing a judgment.

## HELPFUL INFORMATION & CONTACTS

### How do I contact the Court?

#### **Jefferson County District Court – Small Claims Division**

716 Richard Arrington Jr. Blvd. North  
Room 420  
Birmingham, AL 35203

Phone: **(205) 325-5331** (District Court Clerk) *\*Have your **case number** ready when you contact the clerk's office*

### Where can I get copies of court forms and rules?

Links to frequently used Small Claims and general civil court forms are available in Appendix C to this guide. You can also request copies at the clerk's office or download them here: <https://eforms.alacourt.gov/> (click on "Small Claims" or "Civil Forms" in the left-hand menu).

The Small Claims Rules and additional information are available on the Alabama Judicial System's website: <https://judicial.alabama.gov/library/SmallClaimsRules>.

### Where else can I go for help recovering my unpaid wages?

To file a complaint for unpaid minimum wage or overtime compensation under the federal Fair Labor Standards Act (FLSA), contact the Wage and Hour Division of the U.S. Department of Labor:

#### **U.S. Department of Labor, Wage & Hour Division – Birmingham District Office**

Monday to Friday, 8:00am-4:30pm  
Address: 950 22nd Street North, Suite 605, Birmingham, AL 35203  
Phone: (205) 536-8570 / 1 (866) 487-9243 (toll free)

For additional assistance with Small Claims Court and other civil legal matters for low-income individuals in Jefferson County, contact Volunteer Lawyers Birmingham or visit their help desk at the courthouse:

#### **Volunteer Lawyers Birmingham – Civil Help Desk**

Help Desk Address – inside courthouse: 716 Richard Arrington Jr. Blvd. N., 5th floor, Birmingham, AL 35203  
Phone: (205) 250-5198 *\*Call the VLB Office Monday to Friday, 8:30am-5pm to make a Help Desk appointment*

To learn more about your rights as a worker and take action to combat wage theft and workplace abuse in the Birmingham area, contact Adelante:

#### **Adelante Alabama Worker Center**

Address: 2104 Chapel Hill Rd., Birmingham, AL 35216  
Phone: (205) 317-1481  
Email: [info@adelantealabama.org](mailto:info@adelantealabama.org)  
Social media: @AdelanteAlabama

## References

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<sup>1</sup> David Cooper and Teresa Kroger, Economic Policy Institute, *Employers steal billions from workers' paychecks each year*, May 1, 2017, available at <https://files.epi.org/pdf/125116.pdf>.

<sup>2</sup> National Conference of State Legislatures, "State Minimum Wages," available at <https://www.ncsl.org/research/labor-and-employment/state-minimum-wage-chart.aspx> (last accessed Feb. 8, 2021).

<sup>3</sup> For more information about workers' rights under the federal Fair Labor Standards Act (FLSA), visit:

<https://www.dol.gov/agencies/whd/flsa>.

<sup>4</sup> Ala. Code §§ 6-3-2(a)(2), 6-3-3, and 6-3-7

<sup>5</sup> Ala. Code § 6-2-34(9). Other types of actions under Alabama law are subject to different statutes of limitations. See generally Ala. Code Title 6, Chapter 2. A claim under the federal Fair Labor Standards Act for failure to pay minimum wage or overtime is subject to a two-year statute of limitations, or three years if the violation was "willful." 29 U.S.C. § 255(a).

<sup>6</sup> Ala. Sm. Cl. R. C

<sup>7</sup> Ala. Code §§ 8-8-8 and 8-8-10(a)

<sup>8</sup> Ala. Sm. Cl. R. D

<sup>9</sup> Ala. Sm. Cl. R. F

<sup>10</sup> Ala. Sm. Cl. R. C

<sup>11</sup> Ala. Sm. Cl. R. J

<sup>12</sup> Ala. Sm. Cl. R. H

<sup>13</sup> Ala. Sm. Cl. R. K

<sup>14</sup> Ala. Sm. Cl. R. I

<sup>15</sup> Ala. Sm. Cl. R. M

<sup>16</sup> Ala. Sm. Cl. R. L

## **APPENDIX**

- A Sample Statement of Claim for wage theft case in Jefferson County Small Claims Court**
- B Sample Payment Agreement**
- C Links to Small Claims and District Court Forms**

# **APPENDIX A**

## Sample Statement of Claim

Make 2 copies of completed form and bring to clerk's office with filing fee (exact change, money order or cashier's check) or a notarized Affidavit of Substantial Hardship to request a fee waiver

# SAMPLE - DO NOT FILE

State of Alabama Unified Judicial System  Form SM-1 (front) Rev. 3/95	<h2 style="margin: 0;">STATEMENT OF CLAIM</h2> <p style="margin: 0;">(Complaint) General</p>	Case Number _____
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IN THE SMALL CLAIMS COURT OF JEFFERSON, ALABAMA  
(Name of County)

**Your Name & Address**

Bayard Rustin  
 Plaintiff

v. Nathan Bedford Forrest  
 Defendant

**Your Employer's Name & Address**

Plaintiff's Home Address  
123 99th Street N., Apt 2  
Birmingham, AL 35200

Defendant's Home Address  
456 Avenue K  
Birmingham, AL 35206

Plaintiff's Attorney's Address  
None (pro se)

Additional Defendant(s) and Addresses  
Forrest Landscaping, LLC  
500 Industrial Ln.  
Birmingham, AL 35203

**Names & Addresses of Any Additional Employers**

**NOTICE TO EACH DEFENDANT – READ CAREFULLY**

YOU ARE BEING SUED IN THE SMALL CLAIMS COURT BY THE PLAINTIFF(S) SHOWN ABOVE. THE JUDGE HAS NOT YET MADE ANY DECISION IN THIS CASE, AND YOU HAVE THE RIGHT TO A TRIAL TO TELL YOUR SIDE.

HOWEVER, IF YOU, OR YOUR LAWYER, FAIL TO FILL OUT THE ENCLOSED ANSWER FORM AND DELIVER OR MAIL IT TO THE CLERK AT THE ADDRESS SHOWN BELOW, SO THAT IT WILL GET TO THE CLERK'S OFFICE WITHIN FOURTEEN (14) DAYS AFTER YOU RECEIVE THESE PAPERS, A JUDGMENT CAN BE TAKEN AGAINST YOU FOR THE MONEY OR PROPERTY DEMANDED IN THE FOLLOWING COMPLAINT, ONCE A JUDGMENT HAS BEEN ENTERED AGAINST YOU, YOUR PAYCHECK CAN BE GARNISHED AND/OR YOUR HOME OR PROPERTY SOLD TO SATISFY THAT JUDGMENT.

**The amount you are owed and a brief description of why (include approx. dates and locations of work)**

**COMPLAINT**

1. I claim the defendant owes the plaintiff the sum of \$ 1,500 because:

Defendants failed to pay me my wages for ten (10) days of landscaping work I performed for them at a wage of \$150 per day at various residential locations in Birmingham, Homewood, and Hoover, AL in January 2021.

**Amount of filing fee**

2. Plaintiff also claims from the defendant court costs in the sum of \$ 76 (see note below), plus \$ TBD for interest and \$ N/A for lawyers' fees (only if plaintiff is represented by a licensed, practicing attorney and if the contract or note you signed so provides.)

NOTE: The total amount of court costs may be more than this amount when the case is finally settled. The clerk will inform you of any additional costs at the close of the case.

**CLERK'S ADDRESS:**

716 Richard Arrington Blvd. N., Room 420  
Birmingham, AL 35203

B. Rustin

Plaintiff or Plaintiff's Attorney (Signature)

Attorney Code \_\_\_\_\_

205-123-4567

Plaintiff's or Plaintiff's Attorney's Phone Number

Clerk's Phone No. 205-325-5331

**Your Signature & Phone Number**

(See instructions on the Back)

Date of Filing \_\_\_\_\_

You don't need to fill out anything on this page, but make sure you include it with the original and copies you bring to the court

# SAMPLE - DO NOT FILE

Form SM-1 (back) Rev. 3/95

## INSTRUCTIONS TO THE PLAINTIFF'S

This is your case, and if you are acting as your own lawyer, you are responsible in seeing that your claim is successfully presented at each stage of the procedure until it is concluded.

1. You must complete one of these forms for each defendant you wish to sue. Each defendant must be described by his/her correct legal name and address (not a post office box). Be as brief as possible but include every important name, date and place
2. To start your case you must file the completed form with the clerk assigned to Small Claims cases. The clerk will stamp a copy for you to show that the case has been filed and will insert the number of the case on the front of this form.
3. You are responsible for seeing that each defendant receives a copy of this form. If you haven't heard from anyone about the case in about fourteen days, then check with the clerk's office, to make sure that each defendant has been served.
4. If any of the defendants ask for a trial you will be notified of the place, the date, and the time. You must be present or your case will be dismissed. You may take a judgment by default fourteen (14) days after the defendant has received a copy of this form, if the defendant fails to file his/her Answer.
5. You are responsible to see to the enforcement of any judgment that is awarded to you. It is not the responsibility of the court or the clerk to collect the judgment for you.

ANY TIME YOU CONTACT THE CLERK ABOUT THIS CASE YOU MUST REFER TO THE CASE NUMBER ON THE FRONT.

## INSTRUCTIONS TO SHERIFF OR PROCESS SERVER

To Any Sheriff or Any Person Authorized by Rule 4.1(b)(1) or 4.1(b)(2) of the Alabama Rules of Civil Procedure to Effect Service in the State of Alabama.

You are hereby commanded to serve this summons and a copy of the Statement of Claim in this action upon the defendant(s) named \_\_\_\_\_

and make proper return to this court.

Date \_\_\_\_\_ By \_\_\_\_\_  
Clerk

### RETURN ON SERVICE:

Served on defendant(s) named \_\_\_\_\_

by delivering a copy of the Summons and Statement of Claim to him/her in \_\_\_\_\_

County, Alabama, on (Date) \_\_\_\_\_.

\_\_\_\_\_  
Process Server Signature

\_\_\_\_\_  
Title of Process Server

This service by certified mail of this Summons and Statement of Claim is initiated upon the request of \_\_\_\_\_ pursuant to Rule 4.1.(c) of the Alabama Rules of Civil Procedure.

Date Requested \_\_\_\_\_ Date Mailed \_\_\_\_\_

Return Receipt Date \_\_\_\_\_ By \_\_\_\_\_  
Clerk

## **APPENDIX B**

### Sample Payment Agreement

**PAYMENT AGREEMENT**

I, \_\_\_\_\_, agree to pay the amount of \$ \_\_\_\_\_  
(Employer/Contractor Name) (total amount)

to \_\_\_\_\_ by \_\_\_\_\_  
(Worker's Name) (final payment date)

to resolve the Worker's claims against me for unpaid wages according to the following payment schedule:

Payment No.	Amount	Due Date	Payment No.	Amount	Due Date
1			7		
2			8		
3			9		
4			10		
5			11		
6			12		

\_\_\_ Check here if additional sheets attached

Additional Terms (e.g., form of payment, method of delivery):

By completing the terms of this agreement, the outstanding debt will be considered fulfilled. Such payment will serve to cancel or prevent any current or future legal proceedings on the Worker's behalf in regards to this dispute. If I do not make the full payment in accordance with the above terms, I understand that I may be liable to pay the Worker's total claimed unpaid wages, plus interest and court costs.

**Employer/Contractor:** \_\_\_\_\_  
Signature Date

Phone: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

**Worker:** \_\_\_\_\_  
Signature Date

**Witness:** \_\_\_\_\_  
Signature Date

Printed Name: \_\_\_\_\_

# **APPENDIX C**

Links to Court Forms

## **Links to Frequently Used Small Claims and General District Civil Court Forms**

SM-1, Statement of Claim (Complaint) – General:

<https://eforms.alacourt.gov/media/10qpoji4/statement-of-claim-complaint-general.pdf>

C-10-Civil, Affidavit of Substantial Hardship and Order (Request to Waive Filing Fees):

<https://eforms.alacourt.gov/media/o4mpwsqy/affidavit-of-substantial-hardship-and-order-civil.pdf>

SM-3, Defendant's Answer:

<https://eforms.alacourt.gov/media/btcbrnpw/defendant-s-answer.pdf>

C-25, Application and Affidavit for Entry of Default:

<https://eforms.alacourt.gov/media/3kxm1f0g/application-affidavit-and-entry-of-default.pdf>

C-12, Subpoena Request Form:

<https://eforms.alacourt.gov/media/w5sj5vay/subpoena-request-form.pdf>