INSTRUCTIONS FOR
STIPULATED JUDGMENT OF DISMISSAL

Prepare **Agreement and Order for Stipulated Judgment of Dismissal**. Agreement will need to be signed and dated by both parties. Submit original plus 2 copies of stipulation to Court with **Letter #1** (and include 2 postage paid envelopes addressed to each party).

If all terms of agreement are complied with, no additional action is required. A **Satisfaction of Judgment** should be issued from plaintiff to defendant upon payment in full. Defendant would file original Satisfaction of Judgment with Clerk of Court, along with a check for $5.00 satisfaction fee to release judgment.

If defendant defaults with terms of agreement, plaintiff shall send **Letter #2** to defendant, giving notice of the default and intention to request the Court to vacate the stipulated dismissal if defendant does not comply with terms of agreement within 10 days of giving said notice.

After 10 business days have passed and there is no response from defendant, if plaintiff wishes to vacate the Stipulated Judgment of Dismissal and proceed with taking judgment against the defendant, plaintiff should:

(1) Complete **Affidavit of Default in Support of Order Vacating Dismissal and Entry of Money Judgment**. Fill in caption of case, including case number, and fill in all blanks in Affidavit. Attach copy of agreement as Exhibit A. Attach an itemization of all payments made (including date and amount of each payment) as Exhibit B. Attach copy of default notice sent to defendant as Exhibit C. Sign Affidavit before a notary public.

(2) Complete **Order Vacating Stipulated Dismissal of Judgment and Order for Entry of Money Judgment** for Court's signature. Fill in caption of case, including case number, and fill in all blanks of Order. Leave the date and signature lines open for the Court to complete.

(3) Prepare **Letter #3** to Clerk of Court to transmit the (original) **Affidavit of Default** and (original plus one copy of) **Order Vacating Stipulated Dismissal of Judgment and Order for Entry of Money Judgment.** Include a self-addressed, stamped envelope so a copy of the signed Order can be returned to you for your records. Include a check for $5.00, payable to the Clerk of Court, to docket the judgment against the defendant, so the judgment becomes a lien against any real property of the defendant.

STATE OF WISCONSIN CIRCUIT COURT MANITOWOC COUNTY

_____

Plaintiff,

vs. Case No. _____

_____

Defendant.

AGREEMENT AND ORDER FOR STIPULATED JUDGMENT OF DISMISSAL

AGREEMENT

Pursuant to §799.24(3), Wis. Stats., it is hereby agreed by and between the above named parties, either by an undersigned party personally, or by their undersigned agent with full authority to make this agreement on behalf of the principal of that agent, as follows:

1. As a full and complete settlement of all claims asserted by any of the parties to this agreement, _____(defendant) agrees to pay the total of $_____ to _____(plaintiff), at the rate of $_____ per month, with the first payment due and payable on _____(date), and subsequent payments due on the _____ day of each month thereafter until paid in full. Payments should be made to:_____
_____.

2. The Court may enter an order dismissing with prejudice all claims for relief asserted in this case by the plaintiff against each of the parties to this agreement.

3. If the payments required in paragraph 1 are not made in full within 10 days of each due date, the plaintiff, by its authorized representative, may give an affidavit under oath establishing the fact of nonpayment and the amount due. Upon serving notice of default on defendant debtor by regular mail at the address of record in this case, indicating plaintiff's intent to request vacation of the stipulated judgment of dismissal and entry of a money judgment against the defendant in the amount of the unpaid balance of said judgment; and upon the passage of 10 days thereafter without that defendant providing to the undersigned a written legitimate objection to a request for entry of judgment, that affidavit may be filed with the Court, and the Court shall, without holding a hearing, enter an order directing that the Judgment of Dismissal be vacated and replaced with a money judgment in the amount of the unpaid portion of

the obligation stated in paragraph 1, plus interest from the date of the last payment received at the statutory rate of 12% per annum.

Date:_____ _____
Plaintiff

Date:_____ _____
Defendant

ORDER FOR DISMISSAL

Based on the foregoing stipulation;

IT IS HEREBY ORDERED that the terms of the above stipulation are approved and adopted as the order of the Court as if set forth in full herein. Pursuant to §799.24(3), Wis. Stats., this case and each claim for relief asserted by any party are dismissed on the merits with prejudice to any other claim for relief based upon the same factual allegations, except the right of the plaintiff to seek entry of a money judgment pursuant to the provisions of paragraph 3 of the foregoing stipulation.

Dated this _____ day of _____, 20___.

BY THE COURT:

_____
Circuit Court Judge/Commissioner

Date _____

Clerk of Circuit Court
ATTN: Small Claims Unit
Manitowoc County Courthouse
1010 South Eighth Street
Manitowoc, WI 54220-2000

RE: Case Name_____
Case No. _____

Dear Clerk:

Enclosed please find the original and two copies of an *Agreement and Order for Stipulated Judgment of Dismissal* in the above captioned action. Kindly forward the enclosed documents with the file to the appropriate Court Commissioner or Judge so the original can be signed and returned to the Clerk's office for filing.

I would ask that the enclosed copies be conformed as to the date of the Court's signature, with a copy mailed out to each party in the postage paid envelopes provided, addressed to each party.

Thank you for your time and attention.

Very truly yours,

_____
Plaintiff

Enclosures: Original + 2 copies
2 postage paid envelopes (addressed to each party)

LETTER #1

STATE OF WISCONSIN, CIRCUIT COURT, _____ COUNTY

For Official Use

Judgment/Lien _____
Creditor:
-vs-
Judgment/Lien _____
Debtor:

☐ **Satisfaction of Judgment or ☐ Partial Satisfaction**

☐ **Satisfaction of Lien**

Case No. _____

I, the undersigned ☐ owner ☐ attorney for owner in the above entitled action, acknowledge that a judgment was rendered against the judgment debtor or a lien was filed, and payment has been received as indicated below.

Name of Judgment/Lien Debtor	Date Docketed/Filed	Amount of Payment
Name of Judgment/Lien Creditor		Amount of Judgment/Lien

☐ This judgment is:

- ☐ fully satisfied.
- ☐ partially satisfied as to:

☐ This lien is fully satisfied.

Subscribed and sworn to before me

on _____

_____
Notary Public, State of Wisconsin

My commission expires: _____

_____
Signature of Owner/Attorney

_____
Name Printed or Typed

_____
Date

Date_____

_____(defendant)
_____(street address)
_____(city/state/zip)

RE: Case Name_____
Case No. _____

Dear _____:

Pursuant to the terms of the Agreement and Order for Stipulated Judgment of Dismissal dated _____, notice is hereby given to you that you are in default for not making payment as required under said agreement. You are required to make monthly payments in the amount of $_____ by the ____ day of each month. The last payment received from you was on _____(date). To date, you have paid a total of $_____, which leaves an unpaid balance on said judgment in the amount of $_____.

If you do not comply with the terms of the agreement within 10 days of the date of this letter, a request will be made for the Court to vacate the stipulated dismissal and enter a money judgment against you for the unpaid portion of the judgment, in the amount of $_____.

Thank you for your time and attention to this matter.

Very truly yours,

_____
Plaintiff

LETTER #2

STATE OF WISCONSIN CIRCUIT COURT MANITOWOC COUNTY

_____

Plaintiff,

vs. Case No. _____

_____

Defendant.

AFFIDAVIT OF DEFAULT
IN SUPPORT OF ORDER VACATING DISMISSAL AND
ENTRY OF MONEY JUDGMENT

STATE OF WISCONSIN)
) SS
MANITOWOC COUNTY)

The undersigned _____, being first duly sworn on oath, states as follows:

1. I am the plaintiff in the above entitled action, and have entered into an Agreement and Order for Stipulated Dismissal of Judgment dated _____, a copy of which is attached hereto as **Exhibit A.**

2. The defendant, _____, is in default of the above referenced agreement for failure to make payment as required under said agreement. The last payment received from the defendant was received on _____(date), and a total amount of $_____ has been received from the defendant since entering into said agreement. An itemization of all payments received is attached hereto as **Exhibit B**.

3. That on _____ (date), the undersigned sent notice by regular mail to _____ (defendant), advising the defendant of his/her default under the agreement, and of plaintiff's intent to request that the Court vacate the stipulated judgment of dismissal and enter a money judgment against defendant, a copy of said notice is attached hereto as **Exhibit C**.

4. That the agreement affords the defendant with a 10-day period in which to provide a legitimate written objection to said request for entry of judgment. Ten days has passed, and there has been no written objection filed by defendant.

5. In accordance with the agreement of the parties, the plaintiff is entitled to entry of an Order directing that the clerk of this court enter a money judgment in favor of the plaintiff and against the defendant for the amount of $_____ (amount indicated owing in agreement), less $_____ (total payments made since entering into agreement), for a total money judgment in the amount of $_____.

Dated this _____ day of _____, 20___.

_____
Plaintiff

Subscribed and sworn to before me
this _____ day of _____, 20____.

_____
Notary Public
Manitowoc County, Wisconsin
My Commission Expires: _____

STATE OF WISCONSIN CIRCUIT COURT MANITOWOC COUNTY

_____
Plaintiff,

vs. Case No. _____

_____
Defendant.

ORDER VACATING STIPULATED DISMISSAL OF JUDGMENT AND ORDER FOR ENTRY OF MONEY JUDGMENT

The affidavit of _____ (plaintiff) having been presented to the Court for filing, and the same indicating that _____ (defendant) has failed to make payments in accordance with the terms and conditions of the Agreement and Order for Stipulated Judgment of Dismissal filed herein, which was the basis for the Court's prior dismissal of this case;

NOW, THEREFORE, pursuant to the terms of the agreement between the parties, the facts stated in the Affidavit of Default, and the provisions of §799.24(3), Wis. Stats.;

IT IS HEREBY ORDERED that the judgment of this Court dated _____, dismissing this case is hereby vacated, and the clerk is directed to enter that declaration upon the docket for this case; and the clerk is hereby further directed to enter a money judgment in favor of the plaintiff, against the defendant, in the total sum of $_____, which includes all taxable costs; and the clerk shall give notice of entry of said judgment to the parties pursuant to statutory requirement and standard office procedures.

Dated this _____ day of _____, 20____.

BY THE COURT:

_____
Circuit Court Judge/Commissioner

Date_____

Clerk of Circuit Court
ATTN: Small Claims Unit
Manitowoc County Courthouse
1010 South Eighth Street
Manitowoc, WI 54220

RE: Case Name _____
Case No. _____

Dear Clerk:

Enclosed please find the following documents:

1. Original Affidavit of Default dated _____.

2. Original and one copy of a proposed Order Vacating Stipulated Dismissal of Judgment and Order for Entry of Money Judgment.

Pursuant to the Agreement and Order for Stipulated Judgment of Dismissal, notice of default has been provided to defendant, as outlined in enclosed Affidavit of Default. There has been no written objection filed by defendant within 10 days of said notification. Plaintiff hereby rejects any untimely requests for additional time to make payment.

Please forward this letter and all enclosures to the appropriate court official assigned to act upon the application being made in the Affidavit of Default for an order vacating the previous Stipulated Judgment of Dismissal, and direct the clerk to enter a money judgment against the defendant, and give appropriate notice of entry of judgment to the parties, based upon the defendant's failure to make payments as required by the agreement between the parties, and in accordance with the provisions of §799.24(3), Wis. Stats.

Kindly conform the extra copy of the Order Vacating Stipulated Dismissal of Judgment and Order for Entry of Money Judgment as to the date of the Court's signature, and return the same to the undersigned in the enclosed self-addressed, stamped envelope. Finally, enclosed please find a check in the amount of $5.00 to docket the judgment.

Thank you for your time and attention to this matter.

Very truly yours,

_____
Plaintiff

Enclosures: Original Affidavit of Default
Original + 1 copy of Order
Self-addressed, stamped envelope
$5.00 docket fee (optional—if you want to docket judgment)

LETTER #3