

Magistrates Court (Civil Jurisdiction) Rules 2004—Form 75

(see s 295 (1))

Application for issue of summons for oral examination of judgment debtor

To the Registrar:

The judgment creditor applies for the issue of a summons for the oral examination:

* of the judgment debtor; or

* of.....who is an *officer/*former officer of a
(specify name)
corporation.

* Delete as applicable.

If the person to whom the oral examination summons is directed fails to attend as required, it is requested that a warrant of apprehension be issued for the arrest of the person.

A notice requiring financial information *was/was not served on the judgment debtor on

There is no instalment order or garnishee order in force.

If the person to whom this application is directed is an officer/former officer of a corporation, I believe that that person:

— has sufficient knowledge of the affairs of the corporation to enable him or her to give such answers as may be required of a judgment debtor who is not a corporation, or a substantial part of those answers, at an examination;
or

— has in his or her possession or control any document or thing that tends to show the true position as to the property or financial circumstances of the corporation, because (*insert reasons for belief*).

The amount due and unpaid on the Court judgment is calculated as follows:

(i)	amount of judgment debt (including interest awarded by the Court):	\$	
(ii)	plus judgment costs:	\$	
	Subtotal	\$	
(iii)	less amounts paid since judgment	\$	
	Subtotal	\$	
(iv)	plus interest from the date of judgment to the date of this summons on so much of the judgment debt as remains payable from time to time calculated as follows:		
	From/...../.....to/...../.....days @%	\$	
	From/...../.....to/...../.....days @%	\$	etc
	Subtotal	\$	
(v)	Plus:		
	costs incurred since judgment (summarise costs incurred)	\$	
	Total amount owing	\$	

Dated:

Judgment creditor / Judgment creditor's solicitor

Endnotes

- 1 This form was originally in the *Magistrates Court (Civil Jurisdiction) Act 1982* (the **authorising Act**), schedule 1. Under amendments made by the *Legislation (Consequential Amendments) Act 2001*, the form was omitted from the authorising Act and became a form approved under section 471 of that Act (see amdt 1.2791, amdt 1.2793).
- 2 Under the *Court Procedures Act 2004* A2004-59, pt 8, this form became a form approved under that Act.
- 3 This republication includes amendments made under the Legislation Act, part 11.3 (Editorial changes).

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