

Magistrates Court (Civil Jurisdiction) Rules 2004—Form 82

(see s 317 (2))

Application for garnishee order

I
(full name, address and occupation)

*the judgment creditor/*judgment creditor's solicitor *make oath and
say/*affirm:

2. The judgment debt in these proceedings (including interest) remains
unsatisfied to the extent of \$..... 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
application or so much of the judgment debt as remains payable
from time to time calculated as follows:

From/...../.....to...../...../..... days @% \$.....

From/...../.....to...../...../..... days @% \$..... etc

Sub-total \$.....

(v) Plus:

costs incurred in attempting to recover the amount due under the
judgment: \$.....
(summarise costs incurred)

Total amount owing \$.....

***Garnishee order attaching earnings:**

3 The judgment debtor is employed by
(name of employer)
of
(address)
as a
(name of position or description of employment)
and receives from the employer earnings in the sum of
approximately \$..... per *week/*fortnight/*month.

4. Application is made for the issue of a garnishee order attaching
earnings directing that the judgment debtor's earnings be attached
continuously in the sum of \$..... per *week/*fortnight/*month
until the judgment debt and costs and interest are paid.

***Garnishee order attaching debt other than earnings:**

5 The judgment debtor has an account at the
(name of financial
..... at
institution) (address)
The account is in the name of
and its number is

6 Application is made for the issue of a garnishee order attaching a debt (other than earnings) directing that the account specified in paragraph 5 (above) be attached until the judgment debt and costs and interest are paid.

*Delete as applicable

Sworn (or affirmed) at Canberra
in the Australian Capital Territory
on

.....
(Deponent)

Before me:

.....

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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