

Form 2.52

Statement of enforcement debtor's financial position

Court Procedures Rules 2006

(see r 2106 (Enforcement hearing—statement of enforcement debtor's financial position))

In the *[Supreme/Magistrates] Court of the Australian Capital Territory

No *[SC/MC] of (year)

(name)

Enforcement creditor

(name)

Enforcement debtor

On (date), I (full name of person making statement) of (home or business address or place of employment), *[say on oath/solemnly affirm]—

1. The information in this statement and any attachments that is within my personal knowledge is true. If I have given any estimate in this statement, it is based on my personal knowledge and is given honestly. All other information given in this statement and any attachments is true to the best of my knowledge.

2. The enforcement debtor has no income, property or financial resources other than as set out in this statement.

Filed on behalf of the enforcement debtor by:

(the enforcement debtor's address for service and telephone number (if any) or, if the enforcement debtor is represented by a solicitor and the solicitor is the agent of another solicitor, the name and place of business of the other solicitor)

(All questions must be answered. Use the word 'nil' if appropriate. Estimates can only be given if, after reasonable inquiry, you cannot give an accurate answer. Any estimates must have the letter 'E' inserted before the amount shown.)

3. Income

(Give all amounts on a weekly basis. If payments are irregular, give average weekly payments over the last 12 months)

3.1 Income from employment (including self-employment)

- occupation:
- name of employer(s):
- address of employer(s):

Current gross wage, including overtime and loadings
(before tax and other deductions) \$.....

Other benefits and allowances received from your
employer(s) (eg car, telephone, commission,
expense account) stating nature and value
.....
.....
..... \$.....

3.2 If unemployed, state—

- length of last employment:
- date last employment ceased:
- name and address of last employer:

- gross weekly earnings with last employer:

3.3 Pensions and benefits

If receiving pension, benefit or other payment from
Department of Social Security or Veterans' Affairs,
state type of payment and amount per week

Type of payment..... \$.....

3.4 Other income

Dividends \$.....

Interest from banks, building societies, credit unions,
shares etc \$.....

Money from trusts or estates \$.....

Drawings from businesses, partnerships, companies
or trusts \$.....

Rent or board payments received \$.....

Workers compensation payments received \$.....

Maintenance payments received (child or domestic
partner) \$.....

Superannuation payments received \$.....

Any other income from any source (give details)
..... \$.....

..... \$.....

Total gross weekly income \$.....

If you are expecting to receive a lump sum payment in the foreseeable future, give further details including the amount and expected date of receipt of the payment

..... \$.....

Are you expecting your income to be more or less in the next 12 months?.....
Why?.....

If the enforcement debtor receives regular payments, for example, wages or social security benefits, you must state the amount and date of receipt of the last 4 payments

1..... \$.....
2..... \$.....
3..... \$.....
4..... \$.....

If these payments were paid to the enforcement debtor by payment into an account with a financial institution, you must state the following:

- name of the financial institution:
- account number:
- any other details necessary to identify the account:

.....
.....

4 Assets

(List all property owned by the enforcement debtor or in which the enforcement debtor has any interest)

Real estate - state address of any properties and market value.....

..... \$.....

..... \$.....

Money in banks, building societies, credit unions
and similar financial institutions

Name of bank etc	BSB and account number	Type of account	
.....	\$.....
.....	\$.....
.....	\$.....

Amounts on hand \$.....

Life insurance policies – state name of insurer,
policy number and surrender value
..... \$.....

Shares and debentures - state name of corporation,
number of shares held and market value
..... \$.....

Interest in business, partnership etc – state name of
business, partnership etc and market value
..... \$.....

Motor vehicles and vessels – state make, model,
year, any registration number and current market
value
..... \$.....
..... \$.....
..... \$.....

Furniture and other household goods – market value
\$.....

Personal property – state details and market value
.....
..... \$.....

Amounts owing to the enforcement debtor from
other sources – state who owes amounts
..... \$.....
..... \$.....

Interest in any deceased estate or trust – state full
details including name of estate or trust and value of
the enforcement debtor's interest in the estate or

trust

.....
..... \$.....
Superannuation – state full details including name of
fund, membership number, benefits payable on
retirement etc
.....
.....
.....

5 Liabilities and other financial obligations

5.1 Weekly expenses

(State amounts on a weekly basis. If payments are irregular, state average weekly expenses over the last 12 months)

Income tax (including medicare levy)	\$.....
Superannuation deductions	\$.....
Accommodation expenses (including, for example, rent, board, hospital or nursing home charges but excluding mortgage payments listed under item 5.2) – state to whom paid	\$.....
.....	
Rates (general, and water and sewerage)	\$.....
House maintenance and repairs	\$.....
Food and general household supplies	\$.....
Electricity, gas and phone	\$.....
Land tax	\$.....
Child care costs (necessary for the purpose of earning an income)	\$.....

Child maintenance actually paid	\$.....
Medical, dental, optical, ambulance and pharmacy	\$.....
Clothing and shoes	\$.....
School fees and other educational expenses	\$.....
Insurance policy premiums – state types of insurance	\$.....
Public transport fares	\$.....
Motor vehicle (including, for example, registration, insurance, maintenance, NRMA expenses, parking and running expenses)	\$.....
Entertainment and other recreational expenses	\$.....
Union or association fees – state details	\$.....
Any other weekly expenses – state details	
.....	\$.....
.....	\$.....
.....	\$.....

5.2 Debts owing

Mortgage or overdraft debts:

Payable to	Total amount owing	Average weekly payment
.....	\$.....	\$.....
.....	\$.....	\$.....

Credit card, loan, hire purchase, store account and any other debt owed to someone else:

Payable to	Total amount owing	Average weekly payment
.....	\$.....	\$.....
.....	\$.....	\$.....
.....	\$.....	\$.....
.....	\$.....	\$.....

Total weekly liabilities \$.....

6. If any other person has any interest in any of the assets please give full details:

.....
.....
.....

(items 7 and 8 must be completed only if the person making the statement is the enforcement debtor)

7. I am *(state relationship status)* and was born on *(state date of birth)*.
The name of my domestic partner is *(state name of domestic partner)*. The people listed below are totally dependent on me:

Name	Age	Relationship
.....
.....
.....

8. Give details of any other circumstances that affect your or your family's financial position:.....

.....
.....

*[Sworn/Affirmed] by *(full name)*:

(signature of person making statement)

at (*place*) in the presence of:

(*signature of person before whom statement is made*)

(*full name of person before whom statement is made*) of (*address*)

*[Justice of the Peace/Barrister/Solicitor/(*other*)]

Note If the affidavit is longer than a page, the person making the affidavit and the person taking the affidavit must sign or initial each page of the affidavit (see r 6715 (1) (Affidavit—taking of)).

Notes

1. You must complete this document, have it sworn, and file the completed document in the Court, at least 8 days before the day of the enforcement hearing.
2. You must still attend the Court on the date and at the time set for the enforcement hearing unless you receive written notice from the enforcement creditor that your attendance is no longer required.
3. Failure to complete and file a statement as required may be contempt of court and you may be dealt with accordingly.

**omit if, or whichever is, inapplicable*