

Form 2.36 Affidavit in support of application for default judgment for debt or liquidated demand

Court Procedures Rules 2006

(see r 1119 (Default judgment—relevant affidavits))

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

No *[SC/MC] of (*year*)

(*name*)
Plaintiff

(*name*)
Defendant

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

1. (*state the facts entitling you to make this affidavit*)
2. (*state the source of your knowledge of the facts stated*)
3. I believe that the amount owing by the defendant to *[me/the plaintiff], in relation to the claim for relief stated in the originating claim dated (*date*) at the time the originating claim was filed, is \$(*state amount*).
4. *(*give particulars of any reduction of the amount owing, and costs, because of any payments made, or credits accrued, since the originating claim was filed*)

Filed for the plaintiff by:

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

5. The amount claimed for interest is \$ (*state amount*) and is worked out as follows: (*state how the amount for interest is worked out*).
- *6. *[I am/The plaintiff is] entitled to judgment for costs of \$ (*state amount*) made up as follows:
(*insert particulars of how costs are made up*)
- Note* Costs must be assessed in accordance with r 1121 (Default judgment for debt or liquidated demand—assessment of costs).
7. The total amount of the claim is \$ (*state amount, excluding costs and interest accruing from the date of this affidavit to the date of judgment*).
- *8. No payment has been made, and no credit has accrued, since the originating claim was filed that reduces the amount for which judgment is sought.
- *9. *[I am/The plaintiff is] entitled to claim interest on the total amount claimed at the rate of \$ (*state amount*) per day until the date of judgment.
- Note* If interest is claimed, the interest is to be worked out in accordance with the *Court Procedures Rules 2006*, r 1120 (Default judgment—debt or liquidated demand).

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

(*signature of person making affidavit*)

at (*place*) in the presence of:

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

(*full name of person before whom affidavit 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)).

**omit if, or whichever is, inapplicable*