

NOTICE OF MOTION GARNISHEE ORDER

COURT DETAILS

Court

#Division

#List

Registry

Case number

TITLE OF PROCEEDINGS

[First] plaintiff **[name]**

#Second plaintiff #Number of
plaintiffs (if more than two)

[First] defendant **[name]**

#Second defendant #Number of
defendants (if more than two)

JUDGMENT DETAILS

Date of judgment to be enforced

FILING DETAILS

Person seeking orders **[name]** [role of party eg plaintiff] (**judgment creditor**)

#Filed in relation to [eg plaintiff's claim, (number) cross-claim]
[include only if form to be eFiled]

#Legal representative [solicitor on record] [firm]

#Legal representative reference [reference number]

Contact name and telephone [name] [telephone]

PERSON AFFECTED BY ORDERS SOUGHT

[name] [role of party eg defendant] (**judgment debtor**)

[name] (**proposed garnishee**)

HEARING DETAILS

This motion is to be dealt with in the absence of the parties.

[on separate page]

ORDERS SOUGHT

- 1 A garnishee order against [name of proposed garnishee] for [#wages/salary #debts] in the amount of \$[amount].

SIGNATURE

#Signature of legal representative

#Signature of or on behalf of party if not legally represented

Capacity [eg solicitor, authorised officer, role of party]

Date of signature

DETAILS ABOUT PROPOSED GARNISHEE**Proposed garnishee**

Name

Address

#[unit/level number]

#[building name]

[street number]

[street name]

[street type]

[suburb/city]

[state/territory]

[postcode]

#[country (if not Australia)]

[on separate page]

AFFIDAVIT

Name

Address

Occupation

Date

I [#say on oath #affirm]:

1 #I am the judgment creditor.

#I am [give details of the capacity of the person making the affidavit and the facts that qualify the person to make the affidavit].

2 [Name of person] is a person liable to pay the judgment.

3 The amount payable under the judgment (including any prior enforcement costs but excluding interest after judgment under section 101 of the Civil Procedure Act 2005) as at the date of this affidavit is \$[amount].

4 Interest payable under section 101 of the Civil Procedure Act 2005 is \$[amount].

5 The amounts claimed for costs for the issue of the order are:

Service fees	\$
Solicitors fees	\$
TOTAL	\$

6 The proposed garnishee is identified in the notice of motion at DETAILS ABOUT PROPOSED GARNISHEE.

7 #The proposed garnishee order is in relation to wages/salary.

#The proposed garnishee order is in relation to the following debt: [give name of financial institution, branch number, account number or any other identifying information].

8 #The judgment is not stayed by an order of the court, by an instalment order or by a suspension under section 377(1) or 386(1) of the Legal Profession Act 2004 that has not been ended.

#The judgment debt was the subject of an instalment order that has ceased to have effect for the following reason:

[set out reason]

#SWORN #AFFIRMED at

Signature of deponent

Signature of witness

Name of witness

Address of witness

Capacity of witness [#Justice of the peace #Solicitor #Barrister #Commissioner for affidavits #Notary public]

Note: The deponent and witness must sign each page of the affidavit. See UCPR 35.7B.