

NOTICE OF MOTION ARREST WARRANT FOR EXAMINATION

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)

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]** [if judgment debtor is an individual, role of party eg defendant] (**judgment debtor**)

#**[name]** [if judgment debtor is a company, capacity of person sought to be arrested]

HEARING DETAILS

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

[on separate page]

ORDERS SOUGHT

- 1 The issue of a warrant for the arrest of [name of person] under section 97 of the Civil Procedure Act 2005 for the failure of that person to comply with the order for examination made by the court on [date of order].

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

[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 The judgment debt in these proceedings remains unsatisfied to the extent of \$[amount].

3 On [date], an examination order was made requiring the attendance of [name of person] (**the examinee**) at [time] on [date] at [place].

4 The examination order was served on the examinee on [date] by [mode of service].

5 The examinee has failed to comply with the order for examination.

6 The following communications have been had or attempted with the examinee relating to the examination and the examinee's failure to attend court: [provide details of communications]

7 [name of person]'s current address is [set out address].

#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.