

NOTICE OF MOTION WRIT FOR THE LEVY OF PROPERTY

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**)

HEARING DETAILS

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

[on separate page]

ORDERS SOUGHT

The issue of a writ for the levy of property against the judgment debtor.

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 #No payments have been made to reduce the judgment debt.

#Payments of \$[amount] have been made to reduce the judgment debt.

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) as at the date of this affidavit is \$[amount].

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

5 The amounts claimed for costs in respect of this writ are:

| | |
|-----------------|----|
| Execution fees | \$ |
| Solicitors fees | \$ |
| TOTAL | \$ |

6 I believe that the property of the judgment debtor is located at the following address[es]:

[If more than one address list in order of priority of execution.]

7 # 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.

#An instalment order was made on [date] but that instalment order 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.

[Include the following additional information, if known, which will assist the Sheriff when executing the writ.]

ADDITIONAL INFORMATION TO ASSIST SHERIFF'S OFFICE

Short description of claim

Best time of day to contact the judgment debtor

Judgment debtor's telephone number (if known)

Provide specific details of any property owned by the judgment debtor that may be seized

Are there any animals or anything else at the premises that might pose a threat to the health and safety of Sheriff's officers?