

## 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]

Contact email [email address]

### 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 #rent #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 rent for the land comprised in [title/folio numbers] being the land situated at and known as [address] ("the Property") held by a real estate agent in a trust account for the benefit of the judgment debtor. The judgment creditor is the owners corporation in relation to the Property and the judgment debt relates to an unpaid contribution for the Property.

#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 Any debts are, or are reasonably likely to be owed by the garnishee to the judgment debtor because [state the grounds relied on in support of identifying the debt].

9 #The judgment is not stayed by an order of the court, by an instalment order or by a suspension under sections 86 or 90 of the [Legal Profession Uniform Law Application Act 2014](#) 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

Name of witness

Address of witness

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

And as a witness, I certify the following matters concerning the person who made this affidavit (the **deponent**):

- 1 #I saw the face of the deponent. [OR, delete whichever option is inapplicable]  
 #I did not see the face of the deponent because the deponent was wearing a face covering, but I am satisfied that the deponent had a special justification for not removing the covering.\*
- 2 #I have known the deponent for at least 12 months. [OR, delete whichever option is inapplicable]  
 #I have confirmed the deponent's identity using the following identification document:

\_\_\_\_\_  
 Identification document relied on (may be original or certified copy) †

Signature of witness

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

\_\_\_\_\_  
 [\* The only "special justification" for not removing a face covering is a legitimate medical reason (at April 2012).]

[†"Identification documents" include current driver licence, proof of age card, Medicare card, credit card, Centrelink pension card, Veterans Affairs entitlement card, student identity card, citizenship certificate, birth certificate, passport or see Oaths Regulation 2011.]

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