

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]

Contact email [email address]

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 sections 86 or 90 of the [Legal Profession Uniform Law Application Act 2014](#) 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

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.

[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?