

NOTICE OF MOTION EXAMINATION 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] [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 examined]

HEARING DETAILS

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

[on separate page]

ORDERS SOUGHT

- 1 [name] attend court to be examined as to whether any and, if so, what debts are owing to [#him #her #the company] and whether [#he #she #the company] has any and, if so, what other property or other means of satisfying the judgment.
- 2 [name] produce the following documents:
[List documents. Attach a separate schedule if necessary.]

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 outstanding on 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 this order are:

Filing fees	\$
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Service fees	\$
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Solicitors fees	\$
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TOTAL	\$
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6 #An examination notice was served on the judgment debtor on [date].

7 #The judgment debtor has not completed and returned the examination notice.

8 #The judgment debtor has [#failed to provide any or sufficient answers to the questions specified in the examination notice #failed to produce any or sufficient documents for inspection by the (role of party)]. A copy of the examination notice provided by the judgment debtor is annexed.

[Applicable only if the judgment was entered in the Supreme Court.] Leave to issue an examination order should be granted for the following reasons:

[set out reasons]

- 9 #The judgment debtor has not, within the previous 3 months, provided any or sufficient answers, or produced any or sufficient documents in response to any previous examination notice.
- 10 #The judgment debtor lives or works at a location within 30 kilometres of the registry at which judgment was entered.
- #The judgment debtor lives or works at a location more than 30 kilometres from the registry at which judgment was entered. I seek that the examination be conducted at [location].
- 11 #The following information is relevant in determining the appropriate venue for the examination:
- [set out information]
- 12 #The judgment debt is not stayed by an order of the court or by an instalment order.
- #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.]

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