MAGISTRATES' COURT GENERAL CIVIL PROCEDURE RULES 2020

Rule 61.02(1)(a) FORM 61A

**APPLICATION**

**(Judgment Debt Recovery Act 1984)**

IN THE MAGISTRATES' COURT Court Number

OF VICTORIA AT

|  |  |
| --- | --- |
|  | Judgment Creditor |

and

|  |  |
| --- | --- |
|  | Judgment Debtor |

Of *(address)*:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Date of Document: |  |  |  |  |
| Filed on Behalf of: |  |  | Code: |  |
| Australian Lawyer Name: |  |  | Telephone: |  |
| Address: |  |  | Reference: |  |

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| An order was made at the | | | | |  | | | Court on *(date)* | | | | |  | | | | | | | |  |
|  | | | | | | | | | | | | | | | | | | | | | |
| This application is for—  \* an instalment order;  \* an instalment order in substitution of a previous instalment order;  \* the variation of an instalment order *(section 8 Judgment Debt Recovery Act 1984)*;  \* the cancellation of an instalment order *(section 8 Judgment Debt Recovery Act 1984).* | | | | | | | | | | | | | | | | | | | | | |
|  | | | | | | | | | | | | | | | | | | | | | |
| **1** | Details of applicant *(\*Debtor / \*Creditor)* | | | | | | | | | | | | | | | | | | | | |
|  | Name | |  | | | | | | | | | | | | | | | | | | |
|  | Address | |  | | | | | | | | | | | | | | | | | | |
|  | Postcode | |  | |  | | | | | | | | | | | | | | | | |
|  | Telephone | | Home | |  | | | | Business | | | | |  | | | | | | | |
|  |  | | | | | | | | | | | | | | | | | | | | |
| **2** | Details of respondent *(\*Debtor / \*Creditor)* | | | | | | | | | | | | | | | | | | | | |
|  | Name | |  | | | | | | | | | | | | | | | | | | |
|  |  | | | | | | | | | | | | | | | | | | | | |
| **3** | State: | | | | | | | | | | | | | | | | | | | | |
|  | (a) | Amount ordered | | | | Claim $ | | | | |  | | | |  | | | | |  | |
|  |  |  | | | | Interest $ | | | | |  | | | |  | | | | |  | |
|  |  |  | | | | Costs $ | | | | |  | | | |  | | | | |  | |
|  |  |  | | | | Total (judgment debt) | | | | |  | | | | $ | | | | |  | |
|  | LESS |  | | | |  | | | | |  | | | |  | | | | |  | |
|  | (b) | Amount paid since order of *(date)* | | | | |  | | | | | | | |  | | | | |  | |
|  |  | (*State amounts and dates paid*) | | | | | | | | |  | | | |  | | | | |  | |
|  |  |  | | | | ***Date*** | | | | | ***Amount*** | | | |  | | | | |  | |
|  |  |  | | | | - $ | | | | |  | | | |  | | | | |  | |
|  |  |  | | | | - $ | | | | |  | | | |  | | | | |  | |
|  |  |  | | | | - $ | | | | |  | | | |  | | | | |  | |
|  |  | Total amount paid | | | |  | | | | |  | | | | $ | | | | |  | |
|  |  |  | | | |  | | | | |  | | | |  | | | | |  | |
|  | EQUALS |  | | | | | | | | | | | | | | | | | | | |
|  | (c) | balance of judgment debt owing | | | | | | | | |  | | | | | | | | = $ |  | |
|  |  |  | | | | | | | | |  | | | | | | | |  |  | |
|  | PLUS |  | | | | | | | | |  | | | | | | | |  |  | |
|  | (d) | Interest on the judgment debt until the date of this application | | | | | | | | | | | | | | | | | + $ |  | |
|  |  |  | | | | | | | | | | | | | | | | |  |  | |
|  | PLUS |  | | | | | | | | | | | | | | | | |  |  | |
|  | (e) | Any other amounts recoverable or payable in respect of the order | | | | | | | | | | | | | | | | |  |  | |
|  |  | of *(date)* | | |  | | | | *(including any costs of warrant)* | | | | | | | | | |  |  | |
|  |  | Please specify | | | | | | |  | | | | | | | | | |  |  | |
|  |  | (i) | | | $ | | | |  | | | | | |  | | | | |  | |
|  |  | (ii) | | | $ | | | |  | | | | | |  | | | | |  | |
|  |  | (iii) | | | $ | | | |  | | | | | |  | | | | |  | |
|  |  |  | | | Subtotal | | | |  | | | | | | + $ | | | | |  | |
|  |  |  | | |  | | | |  | | | | | |  | | | | |  | |
|  | EQUALS |  | | |  | | | |  | | | | | |  | | | | |  | |
|  | (f) | **Total amount owing** | | | | | | | | | | | | | = $ | | | | |  | |
|  |  |  | | | | | | | | | | | | |  | | | | |  | |
|  | (g) | Amount to be paid per instalment $ | | | | | | | |  | | | | |  | | | | |  | |
|  |  |  | | | | | | | | | | | | | | | | | | | |
|  | (h) | Periodical time for payment: | | | | | | | | weekly | | | | |  | | | | |  | |
|  |  |  | | | | | | | | fortnightly | | | | |  | | | | |  | |
|  |  |  | | | | | | | | monthly | | | | |  | | | | |  | |
|  |  |  | | | | | | | | | | | | | | | | | | | |
|  | (i) | Proposed date of first instalment *(date)* | | | | | | | |  | | | | | | | |  | |  | |
|  |  |  | | | | | | | | | | | | | | | | | | | |
|  | (j) | Person/corporation /firm to whom instalments are to be made | | | | | | | | | | | | | | | |  | |  | |
|  |  | Name | |  | | | | | | | | | | | | | | | | | |
|  |  | Address | |  | | | | | | | | | | | | | | | | | |
|  |  | | | | | | | | | | | | | | | | | | | | |
| 4. | If this is an application for variation of an instalment order, state: | | | | | | | | | | | | | | | | | | | | |
|  | (a) | The date of the current instalment order *(date)* | | | | | | | | |  | | | | | | | | |  | |
|  |  |  | | | | | | | | | |  | | | | | | | |  | |
|  | (b) | The amount of each instalment ordered $ | | | | | | | | | |  | | | |  | weekly | | | | |
|  |  |  | | | | | | | | | |  | | | |  | fortnightly  monthly | | | | |
|  |  | | | | | | | | | | | | | | | | | | | | |
| 5 | Reasons for the application | | | | | | | | | | | | | | | | | | | | |
|  |  | | | | | | | | | | | | | | | | | | | | |
|  |  | | | | | | | | | | | | | | | | | | | | |
| 6 | State any other relevant details | | | | | | | | | | | | | | | | | | | | |
|  |  | | | | | | | | | | | | | | | | | | | | |

Dated:      *[dd/mm/yyyy]*

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

*Signature of \*Applicant / \*Applicant's Australian Lawyer*

PLEASE NOTE:

1. IF THE APPLICANT IS THE JUDGMENT DEBTOR, A STATEMENT OF AFFAIRS TO THE EFFECT OF FORM 61B (OR FORM 61C IF A CORPORATION) MUST BE FILED WITH THIS APPLICATION.

2. A COPY OF THIS APPLICATION AND, IF THE APPLICATION IS BY THE JUDGMENT DEBTOR A STATEMENT OF AFFAIRS, MUST BE SERVED ON THE RESPONDENT PARTY.

3. IF YOU DO NOT UNDERSTAND THIS DOCUMENT, YOU SHOULD OBTAIN LEGAL ADVICE IMMEDIATELY. YOU MAY ALSO NEED TO OBTAIN FINANCIAL COUNSELLING.

\* Delete if not applicable

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