MAGISTRATES’ COURT (MISCELLANEOUS CIVIL PROCEEDINGS) RULES 2020

Rule 3.04

FORM 3C

**AFFIDAVIT IN SUPPORT OF ENFORCEMENT**

**(Service and Execution of Process Act 1992)**

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| IN THE MAGISTRATES’ COURT OF VICTORIA AT | | |  | | | Court Number: | |  |
| BETWEEN | | |  | | |  | |  |
|  | | | | | | | | Plaintiff |
| And | | |  | | |  | |  |
|  | | | | | | | | Defendant |
|  | | | | | | | | |
| Date of Document: | |  | | Code: | | |  | |
| Filed on behalf of: | |  | | Telephone: | | |  | |
| Australian lawyer name: | |  | | Reference: | | |  | |
| Address: | |  | | | | | | |
|  | |  | | | | | | |
| I [*name*] |  | | | | | | | |
| Of [*address*] |  | | | | | | | |
| in the State of |  | | | |  | | | |
|  |  | | | |  | | | |

\*MAKE \*OATH/\*AFFIRM AND SAY:

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 1. | I am \*the plaintiff | | | | | | | | | | | | | | | |
|  | \*a solicitor in the firm of [*name of firm*] | | | | | | | | | | | | | | | |
|  |  | | | | | | | | | | | | | | | |
|  | solicitors for the plaintiff, and I have the care and conduct of this matter and make this affidavit according to my information and belief. | | | | | | | | | | | | | | | |
|  |  | | | | | | | | | | | | | | | |
| 2. | Judgement was entered in the [*name of court*] | | | | | | |  | | | | | | | | |
|  | at [*place*] |  | | | | | in the State of [*State*] | | | |  | | | | | |
|  | on [*date*] |  | | | | |  | | | | | | | | | |
|  | The terms of the judgement were that the defendant pay the plaintiff the sum of $      [*claim*] with $      [*interest*] and $       [*costs*]. | | | | | | | | | | | | | | | |
|  |  | | | | | | | | | | | | | | | |
| 3. | The nature of the proceedings was for [*describe the nature of the proceedings/cause of action*]. | | | | | | | | | | | | | | | |
|  |  | | | | | | | | | | | | | | | |
|  |  | | | | | | | | | | | | | | | |
| 4. | The amount of the judgement which is sought to be enforced is $      [*amount*] | | | | | | | | | | |  | | | | |
|  | and is the extent the judgement is capable of being enforced in the court of rendition. | | | | | | | | | | | | | | | |
|  |  | | | | | | | | | | | | | | | |
| 5. | (a) The reasonable costs and expenses of and incidental to obtaining and lodging the copy of the judgment are $      [*amount*] being the sum paid to obtain a sealed copy of the judgement and $      [*amount*] being the cost of registering the judgement in Victoria, making a total of $      [*amount*]. | | | | | | | | | | | | | | | |
|  |  | | | | | | | | | | | | | | | |
| 5. | (b) The costs and expenses reasonably incurred in attempting to execute the judgement in the court of rendition or in another State are – | | | | | | | | | | | | | | | |
|  | [*set out details of the costs and expenses*] | | | | | | | | | | | | | | | |
|  |  | | | | | | | | | | | | | | | |
|  |  | | | | | | | | | | | | | | | |
| 6. | Pursuant to section [*description*] | | | | | | | |  | | | | | | | |
|  | of the [*name of the relevant legislation*] | | | | | | | |  | | | | | | | |
|  | interest is payable on the judgment from [*date*] | | | | | | | |  | | | | | | | |
|  | to the date of payment of the judgment [*describe the provisions of the legislation referred to which provides the basis of interest calculation*]. | | | | | | | | | | | | | | | |
|  |  | | | | | | | | | | | | | | | |
|  |  | | | | | | | | | | | | | | | |
| 7. | At the date of judgment the applicable interest rate was [*percentage figure*] | | | | | | | | | | | | | % | | |
|  | on [*date*] | |  | the interest rate \*will be/\*was varied to [*percentage figure*]      % | | | | | | | | | | | | |
|  |  | |  | | | | | | | | | | | | | |
| 8. | At the date of swearing or affirming this affidavit, interest in the sum of [*amount*] | | | | | | | | | | | | | | $ | |
|  | and is calculated as follows - | | | | | | | | | | | | | | | |
|  | *[date of judgment]* | | | | to | *[date]*, | | | *[number]* | days @ | | |  | | |  | |
|  | *[percentage figure]%* | | | | = | $      . | | |  |  | | |  | | |  | |
|  | *[If relevant, provide additional calculation taking into account payments or variations in* | | | | | | | | | | | | | | | |
|  | *interest rate e.g. -* | | | | | | | | | | | | | | | |
|  | *[date] to [date], [number] days @ [percentage figure] % = $ ].* | | | | | | | | | | | | | | | |

|  |  |  |  |
| --- | --- | --- | --- |
| \*Sworn/\*Affirmed at | [place] | | |
| on the |  | | day of       20 |
|  | |  | |
| Before me | |  | |

\*Delete if inapplicable

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