

MAGISTRATES' COURT GENERAL CIVIL PROCEDURE RULES 2010

Rule 67.01(3)(8)

FORM 67B

EXAMINATION OF A JUDGMENT DEBTOR

IN THE MAGISTRATES' COURT
OF VICTORIA AT

Court Number

BETWEEN

Plaintiff

Of: *(address)*

and

Defendant

Of: *(address)*

Date of Document
Filed on behalf of:
Australian lawyer name:
Address:

Code:
Telephone:
Reference

(Name of person being examined)

having being sworn, has answered the questions set out in Column 1 below in the manner set out in Column 2 below.

	COLUMN 1	COLUMN 2
	Questions	Answers
1	What is your full name?	
2	What is your date of birth?	<i>(Enter as dd/mm/yyyy)</i>
3	What is your home address & phone number? Do you own, rent or board at this address? Give the name address and phone number of the estate agent or landlord.	<i>Address</i> <i>Phone number</i>
4	Do you propose to change your address in the near future? If so, state the new address.	
5	Are you single, married or living in a de-facto relationship?	

<p>6 How many dependants do you have in your care? What is their relationship to you and what are their ages?</p>	
<p>7 Do you own or are you buying any land or building? If yes give details, including—</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>(a) address(es);</p>	
<p>(b) value;</p>	
<p>(c) mortgage (naming financier & balance due);</p>	
<p>(d) 2nd mortgage (naming financier & balance due);</p>	
<p>(e) caveat(s);</p>	
<p>(f) when did you buy the property?</p>	
<p>(g) what was the price paid?</p>	
<p>(h) are you buying the land or building with any other person?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>(i) if yes, give the name and address of that other person;</p>	
<p>(j) are you intending to sell the land or building?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>8 Do you own or are you buying a motor vehicle? If yes give details ,including—</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>(a) the make;</p>	
<p>(b) the model;</p>	
<p>(c) the condition of the motor vehicle;</p>	

(d) is the motor vehicle registered? If yes, what is the registration number?	<input type="checkbox"/> Yes <input type="checkbox"/> No
(e) is the vehicle subject to finance? If yes state— - the name to the financier; - account reference number; - how much is owing? - when will payments be finalised?	<input type="checkbox"/> Yes <input type="checkbox"/> No
(f) value	
Repeat the above information for all extra vehicles.	<i>Extra sheet annexed</i> <input type="checkbox"/> Yes <input type="checkbox"/> No
9 Are you owed any money? If yes, give details, including—	<input type="checkbox"/> Yes <input type="checkbox"/> No
(a) who owes you the money	
(b) the address, telephone number and reference of the person or company;	
(c) how much is owed?	
(d) what circumstances give rise to that indebtedness?	
(e) when is the debt due and payable to you?	
10 Are you employed? If yes, give details including—	<input type="checkbox"/> Yes <input type="checkbox"/> No
(a) the position you hold?	
(b) the name of your employer?	
(c) the address and telephone number of your employer?	<i>Address</i> <i>Phone No</i>
11 What income do you receive after tax and compulsory superannuation is deducted?	
What is the nature of this income (<i>e.g. wages, salary, commission, benefit, etc</i>)?	
Is this income received weekly, fortnightly, monthly, or otherwise?	
Do you receive overtime or other allowances?	
If you are unemployed, what is your source of income? (<i>e.g. sole parent benefit, disability pension, WorkCover</i>)?	
12 (a) If unemployed, how long have you been unemployed?	
(b) What is the name of your previous employer?	

(c) Will you be starting employment in the near future? If so give details.			
13 What other sources of income do you have? Give details of all sources and amounts (e.g. part-time work, casual work, dividends, rent, etc.).			
14 Have you any accounts at any bank/building society/credit union, etc.? If yes, give details of each account—	<input type="checkbox"/> Yes <input type="checkbox"/> No		
(a) name and address of financial institution;	<u>Bank 1</u>	<u>Bank 2</u>	<u>Bank 3</u>
(b) name of account;			
(c) type of account;			
(d) account number;			
(e) present balance of account.			
If account is not held solely by you, state name/address/phone number of each other person with whom the account is jointly held.			
15 How much cash money do you have readily available?	\$		
16 Have you any personal property or assets not previously mentioned? If so, if so give details including—	<input type="checkbox"/> Yes <input type="checkbox"/> No		
Investments, shares, debentures; superannuation, life insurance policy			
motor boats caravans, trailers (give descriptions of the boat, caravan, trailer including registration number and value)			

<p>If any of this personal property or asset is held with another person, give the name and address of the other person.</p>		
<p>17 Give details of your expenses calculated on a weekly basis, including—</p>		
<p>(a) rent/mortgage/board;</p>	\$	
<p>(b) food</p>	\$	
<p>(c) gas/electricity</p>	\$	
<p>(d) clothing</p>	\$	
<p>(e) loan repayments etc. <i>(give details of each loan and the balance owing.)</i></p>	<u>Details</u>	<u>Balance</u>
<p>(f) credit card repayments <i>(give details of each card and the balance owing).</i></p>		
<p>(g) house and contents insurance;</p>	\$	
<p>(h) municipal and water rates;</p>	\$	
<p>(i) telephone;</p>	\$	
<p>(j) car expenses; <i>(including registration, insurance and maintenance)</i></p>	\$	
<p>(k) fuel expenses of running your motor vehicle;</p>	\$	
<p>(l) education expenses;</p>	\$	
<p>(m) medical/dental/pharmaceutical;</p>	\$	
<p>(n) entertainment expenses;</p>	\$	
<p>(o) other <i>(and what)</i> expenses</p>	<u>Details</u>	<u>Balance</u>
<p>Total</p>	\$	
<p>Are there any persons who contribute to the expenses detailed above? If so, who are they and how much do they contribute?</p>	<u>Details</u>	<u>Contribution</u>

18 Are there any other unpaid Court Orders/fines against you? If so, give details including—	<input type="checkbox"/> Yes <input type="checkbox"/> No
(a) name/address/phone number of party to whom money is owed;	
(b) date of court order;	<i>(dd/mm/yyyy)</i>
(c) amount outstanding;	\$
(d) court and reference number <i>(if any)</i> .	
19 What other moneys do you owe, not previously mentioned?	
20 Are you an owner or do you have an interest in any business? If yes, give details, including—	<input type="checkbox"/> Yes <input type="checkbox"/> No
(a) What is the name of the business? Is it a registered business name? Is there an ACN and if so what is the ACN?	<input type="checkbox"/> Yes <input type="checkbox"/> No
(b) If you have partners give the full name and address of each partner and state each partner's percentage share <i>(including your own)</i> of the business;	
(c) If a private company, state the number of shares you hold and give the name and address and number of shares of each other shareholder;	
(d) What is the value of the goodwill of the business? When was the goodwill last valued?	\$
(e) What assets does the business have? Give details of all—	
(i) real estate, listing—	
(a) locations <i>(addresses)</i>	
(b) values	
(c) mortgages	

(ii) plant and equipment (*not included elsewhere*) listing—

(a) a description

(b) locations

(c) values

(d) are there any claims against these items (*e.g. finance, etc.*)

(iii) motor vehicles, listing for each—

(a) make/model/condition

(b) registration number

(c) lease or other finance details

(d) value;

(iv) stock (*not included elsewhere*), listing—

(a) a description

(b) locations (*address*)

(c) values

(d) are there any claims against these items (*e.g. finance, etc.*)

(v) other deposits, investments, shares and debentures giving for each details of value and in what business/corporation/firm;

(vi) forward orders and/or pending contracts;

(vii) trademarks, labels, intellectuals property.

21	Do you have an offer to pay this debt?	
22	Have you paid any of the amount ordered? If so, how much and when?	<i>How Much</i> \$ <i>When</i>

Signature

Recorded at

this _____ / _____ / _____

Before me:

Signature of Registrar

I order the judgment debtor to pay the sum of \$ _____ being the costs of this examination

Filing fee	\$	
Hearing fee	\$	
Conduct money	\$	
Service Fee (<i>including attempt(s) & travelling</i>)	\$	
Professional costs	\$	_____
TOTAL	\$	_____

Signature of Registrar

**IMPORTANT
PRE-EXAMINATION INFORMATION**

To the judgment debtor

You have been served with a Summons to Attend for Oral Examination (*Form 67A*) and an Examination Sheet (*Form 67B*).

The Examination Sheet sets out the questions you will be asked. It may assist you to complete the answers to the questions before the examination is conducted. **You will not have to swear that the answers on the Examination Sheet are true until the examination is conducted.**

Care must be taken to provide complete and accurate answers as you will be required to take an oath as to the accuracy of the answers on the day of the examination and the information you provide will be forwarded to the judgment creditor/judgment creditor's Australian lawyers.

If you have difficulty in completing any of the answers or have any other queries about the proceedings, you may contact the Magistrates' Court of Victoria for advice. Payment toward the judgment debt must be made to the judgment creditor/judgment creditor's Australian lawyer.