MAGISTRATES' COURT GENERAL CIVIL PROCEDURE RULES 2010

Rule 72.02(3)FORM 72B

**AFFIDAVIT IN SUPPORT OF APPLICATION FOR
ATTACHMENT OF EARNINGS ORDER**

|  |  |  |
| --- | --- | --- |
| IN THE MAGISTRATES' COURT | Court Number:  |       |
| OF VICTORIA AT  |       |  |

BETWEEN

|  |  |
| --- | --- |
|       | Plaintiff |
| Of *(Address of Plaintiff)*: |       |  |

and

|  |  |
| --- | --- |
|       | Defendant |
| Of *(Address of Defendant)*: |       |  |

|  |  |  |  |
| --- | --- | --- | --- |
| Date of Document |       |  |  |
| Filed on behalf of: |       |  |  |
| Australian lawyer name: |       | Code: |       |
| Address: |       | Telephone: |       |
| Reference |       |

|  |  |  |  |
| --- | --- | --- | --- |
| I |       |  |       |
|  | *(judgment creditor)* |  | *(occupation)* |
| of | *(address)* |       |
|  |  |
| the judgment creditor, make \*oath/\*affirm and say that:  |
|  |
| 1. | By order dated |       | it was ordered that  |       |
|  |  |  |  |  *(judgment debtor)* |
|  | pay me the sum of $ |       | together with costs. |
| *(amount)* |
|  |  |
| 2. | $ |       | is due and unpaid in respect of the order, being : |
|  | (*amount*)*)* |
|  | (a) | $ |       | due under the order; |
|  | (b) | $ |       | costs of this attachment application; |
|  | (c) | $ |       | other costs incurred subsequent to order; |
|  | (d) | $ |       | interest to date |
|  |
| **OR** |
|       | has persistently failed to comply with an order  |
|  *(judgment debtor)* |
| by the Court on *(date)* |       |  that: *(insert terms of order not complied with)* |
|  |
|       |
|  |
| 3. |       |
|  |  *(judgment debtor)* |
|  | is employed by: |       |
|  |  *(name of employer)* |
|  | of |       |
|  |  *(address of employer)* |
|  | as a *(occupation)*  |       |
|  |  |  |
| 4. | No warrant committing |       |
|  |  | *(judgment debtor)* |
|  | to prison under the *Imprisonment of Fraudulent Debtors Act 1958* has been issued. |
|  |
| **OR** |
| A warrant committing |       |
|  |  *(judgment debtor)* |
| to prison under the *Imprisonment of Fraudulent Debtors Act 1958* has been issued and has been returned unexecuted. |
|  |
| \*[*for affidavits*] The contents of this affidavit are true and correct and I make it knowing that a person making a false affidavit may be prosecuted for the offence of perjury.  |
|  |
| \*[*for statutory declarations*] I declare that the contents of this statutory declaration are true and correct and I make it knowing that making a statutory declaration that I know to be untrue is an offence.  |
|  |  |  |
| \*SWORN/\*AFFIRMED AT  |       |  |
| in the State of Victoria on  |  |
| *(date)*  |       |  |
|  |  |  |
|  | *Signature of person making affidavit* |
| Before me: |  |  |
|  | *(Name and address in legible writing, typing or stamp)* |  |
|  |
| \*authorised under section 30(2) of the **Oaths and Affirmations Act 2018** to witness the signing of a statutory declaration. |
| \*authorised under section 19(1) of the **Oaths and Affirmations Act 2018** to take an affidavit.  |