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. | | | | | | | | | | | | | | | | | | | | |