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

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