

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 -

to , days @
[date of judgement] *[date]* *[number]*
 % = \$.
[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

on the

_____ day of _____ 20_____

Before me

*Delete if inapplicable
