MAGISTRATES' COURT GENERAL CIVIL PROCEDURE RULES 2020

Rule 6.17 **FORM 6A**

**AFFIDAVIT/DECLARATION OF SERVICE OF APPLICATION FOR INSTALMENT ORDER**

(*Judgment Debt Recovery Act 1984*)

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| IN THE MAGISTRATES’ COURT | | | | | Court Reference: |  |
| OF VICTORIA | | | | | | |
| AT |  | | |  | | |
|  | | | | | | |
| BETWEEN | | |  | | |  |
| Plaintiff | | | | | | |
|  | | | | | | |
| OF | |  | | | | |
|  | | | | | | |
| and | | |  | | |  |
| Defendant | | | | | | |
|  | | | | | | |
| OF | |  | | | | |
|  | | | | | | |

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

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| I |  | | |  |  | |
|  | *(full name of the person serving document)* | | |  | *(occupation)* | |
| of |  | | | | | |
|  | *(address)* | | | | | |
| \*make oath and say | | | | | | |
| \*affirm and say | | | | | | |
| \*declare that | | | | | | |
| I served \*an original/\*a copy of the application for an instalment order | | | | | | |
| \*together with \*an original/\*a copy of the statement of affairs by an \*individual/\*officer of a | | | | | | |
| corporation, dated | |  |  | | |  |
|  | | | | | | |
| on |  | | | | | |
|  | *(name of the person served with document)* | | | | | |

*(State all relevant information and facts as required by Rule 6.17(1) in numbered paragraphs which may include answers to the following:*

* *How did you identify the person you served and establish the person’s identity?*
* *Was the person you served the person named in the document/s to be served?*
* *At what time, day of the week and date did you serve the document/s on the person?*
* *Where was the person served the document/s? For example, was it at the residence or the business of the person?*
* *How was/were the document/s served on the person? For example, by hand or by post?)*

|  |
| --- |
|  |

\*[*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/Declared at *(place)* | |  | | | | |  |
|  | | |  | | | |  |
|  | | | | | | | |
| in the State of Victoria on *(date)* | | |  | | |  | |
|  | | |  | | | |  |
|  | | | | | | | |
|  | | | | |  | | |
| *(Signed by person)* | | | | | | | |
|  | | | | | | | |
| Before |  | | |  | | | |
|  | *(Signature)* | | | | | | |
|  | | | | | | | |
|  |  | | | | | | |
|  | *(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.