

MAGISTRATES' COURT GENERAL CIVIL PROCEDURE RULES 2020

Rule 71.04(7)

FORM 71A

GARNISHEE ORDER

(where garnishee debt is less than judgment debt, interest and judgment creditor's costs)

IN THE MAGISTRATES' COURT OF VICTORIA AT

Court Number

BETWEEN

| | |
|-------|----------------------|
| _____ | Judgment Creditor |
| and | |
| _____ | Judgment Debtor |
| and | |
| _____ | Garnishee |

| | | | |
|-------------------------|-------|------------|-------|
| Date of Document: | _____ | Code: | _____ |
| Filed on Behalf of: | _____ | Telephone: | _____ |
| Australian Lawyer Name: | _____ | Reference: | _____ |
| Address: | _____ | | |

THE COURT ORDERS THAT:

- The garnishee *[where appropriate insert here (after deducting therefrom \$ for costs of the garnishee application)]* pay to the judgment creditor without delay \$ _____, the debt due from the garnishee to the judgment debtor and if the garnishee defaults in payment, execution may issue against the garnishee

[or where the debt is not due but accruing]

pay to the judgment creditor \$ _____
the debt accruing from the garnishee to the judgment debtor, as follows:

[state the amount or amounts to be paid and the time or times of payment as directed by the Court]

and that in default of payment, execution may issue against the garnishee.

- \$ _____, the costs of the judgment creditor of the garnishee application, be added to the judgment debt and the interest accrued thereon and be retained by the judgment creditor out of the money recovered by the judgment creditor under this order in priority to the judgment debt and interest.

BY THE COURT

Dated:

Registrar