MAGISTRATES' COURT GENERAL CIVIL PROCEDURE RULES 2020

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 ofPlaintiff)*:

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. |

\*SWORN/ AFFIRMED AT

in the State of Victoria on *(date)*

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

 *Signature of person making affidavit:*

Before me: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\*Delete whichever is inapplicable