

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 OF VICTORIA AT

Court Number:

BETWEEN

\_\_\_\_\_ Plaintiff

Of *(Address of Plaintiff)*:

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. \$ \_\_\_\_\_ *(amount)* is due and unpaid in respect of the order, being :

- (a) \$ \_\_\_\_\_ due under the order;
- (b) \$ \_\_\_\_\_ costs of this attachment application;
- (c) \$ \_\_\_\_\_ other costs incurred subsequent to order;
- (d) \$ \_\_\_\_\_ interest to date

**OR**

\_\_\_\_\_ *(judgment debtor)* has persistently failed to comply with an order

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