MAGISTRATES' COURT GENERAL CIVIL PROCEDURE RULES 2020

Rule 68.11(1) FORM 68A

**WARRANT TO SEIZE PROPERTY**

**IN THE MAGISTRATES' COURT Court Number**

**OF VICTORIA AT**

**BETWEEN**

|  |  |  |
| --- | --- | --- |
|  |       | **Plaintiff** |
| Of: *(address)* |       |
| and |
|  |       | **Defendant** |
| Of: *(address)* |       |  |

NATURE OF COMPLAINT: *(state shortly)*

|  |
| --- |
|       |

ORIGINAL/EXECUTION COPY

**REQUEST FOR WARRANT**

To the registrar

|  |  |
| --- | --- |
|       | is owed money. |
| *(name)* |  |  |
|       | of |       |
| *(name)* |  | *(address)* |
|  |
| was ordered to pay money in the above matter  |  |  |  |
|  |  |  |  |
| \*on  |       | by the Magistrates’ Court at |       |  |
|  | *(date)* |  | *(venue)* |  |
|  |
| \*on |       | by VCAT |  |
|  | *(date)* |  |  |
|  |
| \*on  |       | by  |       |  |
|  | *(date)* |  | *(name of court or tribunal)* |  |
|  | by order which was registered with this Court on |       |  |
|  | *(date)* |  |
|  |
| Please issue a warrant to seize property to recover |       | which is the amount now owing. |
|  | *(amount)* |  |

This amount is calculated—

|  |  |  |  |
| --- | --- | --- | --- |
| Amount ordered |  | $ |       |
| Costs ordered |  | $ |       |
| Interest ordered |  | $ |       |
|  | **Subtotal A** | $ |       |
| Less amount paid since order |  | $ |       |
|  | **Subtotal B** | $ |       |
| Interest from order to this date |  |  |  |
|       | to |       | , |       | days @ |       | % |  | $ |       |
|       | to |       | , |       | days @ |       | % |  | $ |       |
|  | **Subtotal C** | $ |       |
| Prior costs of recovering amount ordered |  | $ |       |
| Fees on warrant |  | $ |       |
| Professional Costs |  | $ |       |
|  | **Subtotal D** | $ |       |
| The Amount | **Total** | $ |       |

|  |
| --- |
| \* In accordance with section 100(7) of the **Magistrates’ Court Act 1989**, interest accruing from the date of the issue of the warrant is sought on the amount stated at Subtotal B, from the date of this request, at the rate prescribed from time-to-time under the **Penalty Interest Rates Act 1983**. At time of issue of making this request the interest rate is       % per annum, or, $       per day. |
| \*In accordance with section 108 of the Service and Execution of Process Act 1992 of the Commonwealth interest accruing from the date of issue of the warrant is sought on the amount stated at Subtotal B from the date of this request, at the rate prescribed at the Court of Rendition, which rate is       % per annum, or, $       per day.  |

|  |  |
| --- | --- |
| This request is made by |       |
|  | *(name of Australian lawyer or person making request)* |
|  |
|       |  |       |
| *(address)* | *(telephone number)* |

It is believed that the personal property of the person ordered to pay can be found at—

|  |
| --- |
|       |
| *(address)* |

Dated:

 *(dd/mm/yyyy)*

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

 Applicant / Australian Lawyer

**WARRANT TO SEIZE PROPERTY**

To the Sheriff:

|  |
| --- |
| You are authorised to seize the personal property of the person ordered to pay. If: |
|  |
| (a) | the amount payable on the date of issue on this warrant; and |
|  |  |
| (b) | the further interest accruing at the rate of |       | % per annum, $ |       | per day on the |
|  | amount stated at Subtotal B from the date of issue of this warrant; and |
|  |  |
| (c) | your costs of execution set out in the request for this warrant are not paid, you are to sell the |
|  | property and pay the amount due to |       | *[judgement creditor]* |
|  | You or your officer must endorse details of execution on this warrant.  |

Issued at:

Dated:

 *(dd/mm/yyyy)*

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

Registrar