DEBTORS ACT 1870

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **IN THE MAGISTRATES COURT** | | | |  | | | | |
|  | CIVIL DIVISION | | | |  | | | | |
|  | | |  |  | | | | |
|  | | Plaint No. | | | | |  |
|  | | No. of J.S. | | | | |  |
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| Between | |  | | | |  | | | | |
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| { | |  | | | |  | | | | |
| { | |  | | | | Defendant | | | | |
|  | |  | | | |  | | | | |

WHEREAS the Claimant obtained a judgment against you, the abovenamed Defendant, in Magistrates Court

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| holden at |  | on the |  | day of |  |  | for the debt/damages |

and costs.

|  |  |  |
| --- | --- | --- |
| AND WHEREAS you have made default in payment of the sum of $ |  | payable in pursuance of |

the said judgment.

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| YOU THEREFORE hereby summoned to appear personally in this Court at the Court House at | | | | | | | | |  | |
|  | | | on |  | the |  | Day of |  | |  |
| at the hour of |  | o'clock in the afternoon, to be examined on oath by the Court touching the means you | | | | | | | | |

have or have had since the date of the Judgment to satisfy the sum payable in pursuance of the said Judgment, and also to show cause why you should not be committed to prison for such default.

Date:

*Registrar.*

|  |  |  |
| --- | --- | --- |
| Amount of judgment and costs | $ |  |
| Paid into Court otherwise than under Execution against the lands and goods of the Judgment Debtor (after deducting costs of Execution) |  |  |
| Sum in payment of which defendant has made default |  |  |
| Costs of this Summons and Fee thereon |  |  |
| Conduct money |  |  |
| Amount upon payment of which no further proceedings will be had | $ |  |

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| --- | --- | --- |
|  | *The Debtors Act 1870* |  |
|  | (Form No. 3) |  |
|  | IN THE MAGISTRATES COURT |  |
|  | HELD AT |  |
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5.-AFFIDAVIT OF SERVICE OF JUDGMENT SUMMONS

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| IN THE MAGISTRATES COURT | | |  | | |
| HELD AT |  | | |  | | |
|  | |  | |  | | |
|  | |  | | | Plaintiff | | |
|  | |  | | |  | | |
| Between | |  | | |  | | |
|  | |  | | |  | | |
|  | |  | | | Defendant | | |

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| I, |  | | | | | Bailiff of the Magistrates Court, make oath and say that I | | | | |
| did on the | |  | day of |  | | | 20 |  | at |  |
|  | | | | | duly serve the abovenamed defendant, with the within judgment | | | | | |

summons, by delivering the same personally to the said defendant, who stated at the time of service

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| --- | --- | --- |
|  | | |
|  | | |
| and at the time of service I also handed to the Defendant Postal Order/Cash for |  | Conduct Money. |

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| SWORN AT | | |  | | | in Tasmania | ) |
| this |  | | | day of |  | | ) |
| 20 | |  | | | | | ) |

Bailiff.

Before me,

Justice of the Peace.

Affidavit must state actual place of service, including street number and means of knowledge as identity of person served, and, if Conduct Money is provided, the amount handed over.

|  |  |  |  |  |  |  |  |  |
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| DEBTORS ACT 1870  **IN THE MAGISTRATES COURT** | | | |  | | | | |
|  | CIVIL DIVISION | | | |  | | | | |
|  | | |  |  | | | | |
|  | | Plaint No. | | | | |  |
|  | |  | | |  | | | | |
|  | |  | | | | Claimant | | | | |
|  | |  | | | |  | | | | |
| Between | |  | | | |  | | | | |
|  | |  | | | |  | | | | |
|  | |  | | | | Defendant | | | | |

I APPLY for the issue of a Judgment Summons against the Defendant in respect of a Judgment Order of this

|  |  |
| --- | --- |
| Court holden at |  |

And I undertake to prove to the satisfaction of the Court, at the hearing, that the Judgment Debtor has or has since the date of the Judgment Order the means to pay the sum in respect of which he has made default, and that he has refused or neglected, or refuses or neglects, to pay the said sum.

I am aware that if I do not prove the same accordingly I shall have to pay the costs of this summons.

Per:

Judgment Creditor's Attorney.