**TASMANIA**

**MAGISTRATES COURT (CIVIL DIVISION)**

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| --- | --- | --- |
|  |  | FORM 25B |

**PROVISIONAL GARNISHEE ORDER ATTACHING A DEBT**

**(INCORPORATING NOTICES TO DEBTOR AND GARNISHEE)**

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| --- | --- | --- |
| **MAGISTRATES COURT AT**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  |  | ACTION No\_\_\_\_\_\_\_\_\_\_\_\_ |

**JUDGMENT CREDITOR**

*(Name only)*

**JUDGMENT DEBTOR**

*(Name only)*

**GARNISHEE**

*(Full name, address)*

*(Registered office if corporation)*

Phone No. FAX No. DX No.

**ORDER**

On the application of the judgment creditor I ORDER that all debts owing or accruing due from the garnishee to the judgment debtor are attached to answer the sum remaining unpaid by the judgment debtor to the judgment creditor under a judgment or order dated ……/……/20…., namely:

Claim amount $.......................

Costs $.......................

Interest (if any) $.......................

Total amount of Judgment $.......................

Costs of garnishee proceedings $.......................

**TOTAL $.......................**

\*\*plus interest at the rate of \_\_\_\_% p.a. on the balance from ..…/…../20…. until payment in full.

Dated: ….../….../20….

………………………………………

**District Registrar**

# To the garnishee and the judgment debtor

Filed by or on behalf of ...................................................................whose address for the service of documents is:.....................................................................................................................
Phone: Fax: DX:
Contact:

**NOTICE TO GARNISHEE**

1. Service of this provisional garnishee order on you binds all debts owing or accruing due from you to the judgment debtor in your hands.

2. You must hold all debts owing or accruing due from you to the judgment debtor until this provisional garnishee order is made final or is discharged.

3. If, within 21 days after the service of this provisional garnishee order on you, you pay into Court the amount due from you to the judgment debtor, or an amount equal to the total amount outstanding under the judgment [*or order*] as set out above and the costs of the garnishee proceedings as set out above (whichever is the lesser), the order may be made final, and the amount so paid in ordered to be paid out to the judgment creditor.

4. If, within 21 days after the service of this provisional garnishee order upon you, you do not –

(a) pay into Court the amount due from you to the judgment debtor, or an amount equal to the amount outstanding under the judgment [*or order*] as set out above and the costs of the garnishee proceedings as set out above (whichever is the lesser); or

(b) file in the Court a notice disputing the debt due or claimed to be due from you to the debtor –

the order may be made final, and execution may issue against you for the said amount and costs without further order.

5. Where 2 or more garnishee orders in respect of a debt have been served on you –

(a) those orders have priority according to the order in which they were served on you; and

(b) the first to be served on you is to be satisfied in full before payment is made on any garnishee order which is later served on you.

**NOTICE TO JUDGMENT DEBTOR**

1. Within 21 days of the service of this provisional garnishee order on you, you may file a notice disputing the debt due or claimed to be due to you from the garnishee.

2. If you do not file such a notice, this provisional garnishee order may be made final.

3. Where 2 or more garnishee orders in respect of a debt have been served on a garnishee –

(a) those orders have priority according to the order in which they were served on the garnishee; and

(b) the first to be served on the garnishee is to be satisfied in full before payment is made by the garnishee on any garnishee order which is served later.