TASMANIA

**MAGISTRATES COURT (CIVIL DIVISION)**

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|  |  | FORM 25F |

PROVISIONAL GARNISHEE ORDER ATTACHING EARNINGS

(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 –

1. As often as any salary, wages, pay or sum of money payable periodically is to become due and payable from the garnishee to the judgment debtor, the garnishee is to make deductions in accordance with paragraph 2 of this order until the sum remaining unpaid by the judgment debtor to the judgment creditor under a judgment or order dated …../…../20…., is to have been deducted, 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 accruing from time to time from ..…/…../20…. until payment in full.

2. The amount to be deducted is 20% of the net salary, wages, pay or sum of money payable periodically to the judgment debtor after taking into account the following deductions:

(i) income tax instalments required to be deducted from those earnings under Division 2 of Part VI of the *Income Tax Assessment Act 1936* of the Commonwealth;

(ii) premiums to a medical or hospitals benefits fund;

(iii) superannuation contributions due and payable;

(iv) periodical payments due and payable by the judgment debtor to the garnishee;

(v) other attachment orders made by any court having jurisdiction in the State, according to their priority.

Dated: …../…../20….

…………………………………

# District Registrar

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 any salary, wages, pay or sum of money payable periodically by you to the judgment debtor, as and when it is earned, or becomes due and owing, in your hands.

2. You must make the deductions required by the provisional garnishee order and hold all amounts deducted until the order is made final or discharged. On your being served with a final garnishee order, the amounts deducted and to be deducted in the future will be payable by you to the judgment creditor and you should therefore pay them to the judgement creditor. If instead you are served with an order discharging the provisional garnishee order, the amounts deducted will no longer be affected by it and will not be payable by you to the judgment creditor.

3. If you dispute that any salary, wages, pay or sum of money is payable by you periodically to the debtor, you must, within 21 days of the service of this provisional garnishee order on you, file in the Court a notice to that effect.

4. If you fail to file a notice under paragraph 3, this provisional garnishee order may be made final and, in the event of default in payment to the judgment creditor of the amounts required to be deducted by you, execution may issue against you for those amounts without any previous writ or process.

5. Where 2 or more garnishee orders in respect of a judgment debtor have been served on you, those orders have priority according to the order in which they were served on you, subject to the following:

(a) where 2 or more orders are served on the same day, each order is to have the same priority and you are to deduct one prescribed amount only and make an equal distribution of that amount to each relevant judgment creditor;

(b) in any other case, you are to comply with any later order as if the net earnings to which that order relates were the residue of the judgment debtor's earnings after the deduction of the prescribed amount under any earlier order.

**NOTICE TO JUDGMENT DEBTOR**

1. If you dispute that any salary, wages, pay or sum of money is payable to you periodically by the garnishee, you must, within 21 days after the service of this provisional garnishee order on you, file in the Court a notice to that effect.

2. If you claim that in view of your family circumstances or financial position, there ought to be a reduction of the amount ordered to be deducted by this provisional garnishee order, you must, within 21 days after the service of the order on you, file in the Court a notice of objection.

3. If you do not file a notice under paragraph 1 or paragraph 2 within the period of 21 days after the service of the order upon you, the order may be made final and execution may issue to enforce it without any previous writ or process.

4. Where 2 or more provisional orders in respect of you have been served on the garnishee, those orders have priority according to the order in which they were served on the garnishee subject to the following:

(a) where 2 or more orders are served on the same day, each order is to have the same priority and the garnishee is to deduct one prescribed amount only and make an equal distribution of that amount to each relevant judgment creditor;

(b) in any other case, the garnishee is to comply with any later order as if the net earnings to which that order relates were the residue of your earnings after the deduction of the prescribed amount under any earlier order.