

Magistrates Court (Civil Jurisdiction) Rules 2004—Form 76

(see s 295 (1))

Summons to attend for oral examination

To:
(judgment debtor or, if a corporation, an officer (or former officer)
of the judgment debtor)

Of:
(address)

On the Court ordered you (or the corporation) to pay the
(date)

amounts detailed below.

You are summoned to attend before the Registrar of the Court to be orally examined on the application of the judgment creditor (the person to whom you owe money by order of the Court) as to your (or the corporation's) property and financial circumstances and your (or the corporation's) means and ability to pay the amount ordered to be paid.

The examination will be conducted by the Registrar of the Court
at.....on at am/pm.
(venue) (date)

You are required to bring with you to the examination any documents or things you have in your possession, custody or control that may assist the Court in deciding your (or the corporation's) property and financial circumstances including tax returns, bank records and statements, passbooks and current pay slips and, if applicable, details of your regular household and other expenses.

**IF YOU DO NOT ATTEND IN ANSWER TO THIS SUMMONS A
WARRANT MAY BE ISSUED BY THE COURT FOR YOUR
ARREST**

The amount due and unpaid on the Court judgment is calculated as follows:

- (i) amount of judgment debt (including interest awarded by the Court):
\$
- (ii) plus judgment costs: \$
Subtotal \$
- (iii) less amounts paid since judgment: \$
Subtotal \$
- (iv) plus interest from the date of judgment to the date of this summons
on so much of the judgment debt as remains payable from time to
time calculated as follows:
- From/...../.....to...../...../.....days @.....% \$
- From/...../.....to...../...../.....days @.....% \$ etc
- Subtotal \$
- (iv) Plus: costs incurred since judgment \$
(Summarise costs incurred)
- Total amount owing \$

Dated:

Registrar

Endnotes

- 1 This form was originally in the *Magistrates Court (Civil Jurisdiction) Act 1982* (the **authorising Act**), schedule 1. Under amendments made by the *Legislation (Consequential Amendments) Act 2001*, the form was omitted from the authorising Act and became a form approved under section 471 of that Act (see amdt 1.2791, amdt 1.2793).
- 2 Under the *Court Procedures Act 2004* A2004-59, pt 8, this form became a form approved under that Act.
- 3 This republication includes amendments made under the Legislation Act, part 11.3 (Editorial changes).

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