

Magistrates Court (Civil Jurisdiction) Rules 2004—Form 85

(see s 335 (1))

Application for garnishee summons

I,
(full name)

.....
(address)

.....
(occupation)

*make oath and say/*affirm:

- 1 I am the judgment creditor (or the judgment creditor's solicitor);
- 2 I apply for the issue of a summons against
(name of garnishee)
- 3 The garnishee order attaching a debt (other than earnings) (or the garnishee order attaching earnings) made on,
was served on the garnishee on, and the
judgment debtor on

In relation to a garnishee order attaching a debt other than earnings:

The amount attached under the order has remained unpaid for a period exceeding 21 days from the date of service of the garnishee order or the date when the debt was due for payment.

In relation to a garnishee order attaching earnings:

The earnings attached under the order have remained unpaid for a period exceeding 14 days after the day when the earnings became due for payment to the judgment debtor.

4 The garnishee resides (or carries on business) at
.....
.....

Sworn (or affirmed) in the
Australian Capital Territory
on

.....

Deponent

Before me:

.....

Endnotes

- 1 This form was approved by the Attorney-General on 31 March 1995 by determination No 27 of 1995 under the *Magistrates Court (Civil Jurisdiction) Act 1982*, section 471.
- 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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