

Form 2.36 Affidavit in support of application for default judgment for debt or liquidated demand

Court Procedures Rules 2006

(see r 119 (Default judgment—relevant affidavits))

In the *[Supreme/Magistrates] Court of the Australian Capital Territory

No *[SC/MC] of (year)

(name)
Plaintiff

(name)
Defendant

On (date), I (full name of person making affidavit) of (home or business address or place of employment), *[say on oath/solemnly affirm]—

1. (state the facts entitling you to make this affidavit)
2. (state the source of your knowledge of the facts stated)
3. I believe that the amount owing by the defendant to *[me/the plaintiff], in relation to the claim for relief stated in the originating claim dated (date) at the time the originating claim was filed, is \$(state amount).
4. *(give particulars of any reduction of the amount owing, and costs, because of any payments made, or credits accrued, since the originating claim was filed)
5. The amount claimed for interest is \$ (state amount) and is worked out as follows: (state how the amount for interest is worked out).

Filed on behalf of the plaintiff by:

(the plaintiff's address for service and telephone number (if any) or, if the plaintiff is represented by a solicitor and the solicitor is the agent of another solicitor, the name and place of business of the other solicitor)

- *6. *[I am/The plaintiff is] entitled to judgment for costs of \$ (*state amount*) made up as follows:
(*insert particulars of how costs are made up*)

Note Costs must be assessed in accordance with r 1121 (Default judgment for debt or liquidated demand—assessment of costs).

7. The total amount of the claim is \$ (*state amount, excluding costs and interest accruing from the date of this affidavit to the date of judgment*).
- *8. No payment has been made, and no credit has accrued, since the originating claim was filed that reduces the amount for which judgment is sought.
- *9. *[I am/The plaintiff is] entitled to claim interest on the total amount claimed at the rate of \$ (*state amount*) per day until the date of judgment.

Note If interest is claimed, the interest is to be worked out in accordance with the *Court Procedures Rules 2006*, r 1120 (Default judgment—debt or liquidated demand).

*[Sworn/Affirmed] by (*full name*):

(*signature of person making affidavit*)

at (*place*) in the presence of:

(*signature of person before whom affidavit is made*)

(*full name of person before whom affidavit is made*) of (*address*)

*[Justice of the Peace/Barrister/Solicitor/(*other*)]

Note If the affidavit is longer than a page, the person making the affidavit and the person taking the affidavit must sign or initial each page of the affidavit (see r 6715 (1) (Affidavit—taking of)).

**omit if, or whichever is, inapplicable*

Endnotes

This republication includes amendments made under the Legislation Act, part 11.3 (Editorial changes).

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