

Form 2.59 Seizure and sale order

Court Procedures Rules 2006

(see r 2201 (Seizure and sale order—application))

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

No *[SC/MC] of (*year*)

(*name*)

Enforcement creditor

(*name*)

Enforcement debtor

Amount owing

The enforcement creditor obtained a money order on (*date*) against the enforcement debtor.

The amount outstanding is as follows:

Money order amount (including costs, if any)	\$.....
Less payments	\$..... \$.....
Plus interest accrued to (<i>date</i>)	\$.....
Plus costs of preparing order	\$.....

Filed for the enforcement creditor by:

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

Plus interest from this date at \$. . . . per day worked \$.....
out at . . . % in accordance with (*state authority*)
Plus enforcement officer's fees \$.....

Total owing \$

Note Other incidental expenses may be incurred (eg poundage, storage, advertising expenses).

To enforcement officer:

You are to seize and sell in satisfaction of the order debt *[real and personal property/personal property] (other than exempt property) in which the enforcement debtor has a legal or beneficial interest to satisfy the total amount owing under the money order.

Exempt property means property that is not divisible among the creditors of a bankrupt under the relevant bankruptcy law as in force from time to time and any property to which an order under rule 2202 (1) (Seizure and sale order—additional exempt property) applies.

You must report in writing to the Registrar about your execution of this order and the results.

Your attention is drawn to the provisions of the *Court Procedures Rules 2006*, division 2.18.5 about seizure and sale orders. These provisions include rules about the following:

- entry, search and seizure powers if no consent
- assistance to enforcement debtor
- notice of order
- notice of property seized
- order of seizing and selling property
- payment before sale
- setting reasonable amount
- sale at best price obtainable
- advertisement of sale
- terms about payment
- documents giving effect to sale
- payment to enforcement debtor

- report by enforcement officer

The known property of the enforcement debtor is as follows:

.....
.....

This order issued at *(time)* on *(date)*.

This order ends on *(date)*.

Notice to enforcement debtor

You may apply to the Court to set this order aside (see r 2051) or stay its enforcement (see r 2013) at any time.

Registrar: *(Registrar to sign and seal)*

Dated:

**omit if, or whichever is, inapplicable*