

## Form 2.69 Charging order

*Court Procedures Rules 2006*

(see r 2402 (Charging order—application))

In the Supreme Court of the Australian Capital Territory

No SC            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	\$.....
	\$.....

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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)*

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Plus interest	\$.....
Plus costs	\$.....
<b>Total owing</b>	<b>\$</b>

**Enforcement order**

An order is made imposing a charging order charging all (or part – [*if applicable, state part*]) of the enforcement debtor’s legal or equitable interest in the following:

.....  
 .....  
 .....

**Effect of order**

To have effect on the enforcement debtor, this order must be served on the enforcement debtor.

This order entitles the enforcement creditor to the same remedies as the enforcement creditor would have had if the charge had been made in the enforcement creditor’s favour by the enforcement debtor.

However, unless the Court otherwise orders, an enforcement creditor must not start a proceeding to obtain a remedy in relation to particular charged property until—

- (a) a sealed copy of the charging order is served on the enforcement debtor and the person who issued or administers the property; and
- (b) 1 month has passed since the later service.

**Notice to person who issued or administers charged property**

After being served with this order you must not sell, transfer or otherwise deal with the charged property otherwise than in accordance with the directions of the Court or the enforcement creditor.

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

The filing of the application does not stay the operation of the order.

**Notice to enforcement debtor**

After being served with this order you must not sell, transfer or otherwise deal with the charged property otherwise than in accordance with the directions of the Court or the enforcement creditor.

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

The filing of the application does not stay the operation of the order.

**Notice to enforcement creditor**

A copy of this order must be served on the enforcement debtor personally or by post.

If the property charged is partnership property, an application by you under rule 2407 must be served on the enforcement debtor and the partners of the partnership who live in the ACT.

Registrar: *(Registrar to sign and seal)*

Dated: