

Application for attachment order

When should I use this form?

This form lets you apply to recover a judgment debt directly from the judgment debtor's income. Use this form if all the following apply:

- you are either the judgment creditor or the judgment debtor
- the money owed in a judgment or court order has not been paid
- you want a simple, cheap enforcement solution
- you can provide the required information for an attachment order to be made – as set out in Section A of this form.

How do I complete this form?

This form has three sections:

- Section A is for information required to process your application. You must complete all the steps in Section A.
- Section B is for the date and your signature. You must complete Section B.
- Section C is for extra information to assist the enforcement process. You only need to complete the steps in Section C that are relevant to your application.
- You can only use this form to apply for **one attachment order against one debtor**. If you have more than one debtor, you must file a separate application for each debtor.

Who can sign this form?

You can only sign this form if you are the applicant or the applicant's lawyer. The applicant can be either the judgment creditor or the judgment debtor. Anyone can help you complete the rest of the form.

How much does it cost to make an application?

The application fee is \$50. If the applicant is the judgment creditor, the court can order the judgment debtor to repay the fee.

KEY WORDS

Below are explanations of some of the words we use in this application form.

Attachment order A court order requiring an employer to deduct a specified amount or percentage from a judgment debtor's salary, wages or benefit. The deduction is paid directly to the judgment creditor (or other nominated payee).

Court order Issued by a court or tribunal that requires a person or organisation to do, or stop doing, something.

Enforcement Action authorised by a court to get the judgment debtor to comply with a judgment or court order.

Judgment The decision of a judge in court proceedings. It also includes the reasons the judge gives for their decision.

Judgment creditor The person or organisation money is owed to in a judgment or court order.

Judgment debt The sum of money awarded to the successful party (the judgment creditor) in a judgment or court order. The money is owed to the judgment creditor by the unsuccessful party (the judgment debtor).

Judgment debtor The person or organisation who owes money in a judgment or court order.

How do I file my application?

You can file your application by post, in person or electronically through File and Pay. You must also serve a copy of your application on the other party, by post, email or handing a copy to the other party.

You must pay the filing fee with your application.

In person

See justice.govt.nz/contact-us/find-us/ for the address of your nearest District Court.

File and Pay

You can file the application electronically and also pay the filing fee through File and Pay on courtsfnz.govt.nz/file-and-pay

What are the next steps after making an application?

The court will make a decision based on the information supplied in the application form.

If the attachment order is made, the order will be issued to the judgment debtor's employer and a copy sent to the judgment creditor and debtor. The employer must make the deductions and payments specified in the attachment order.

Where can I find more information?

If you need help with this form, you can:

- call **0800 233 222**
- visit justice.govt.nz/fines/about-civil-debt
- email civilenforcement@justice.govt.nz.

Paying for your application

You must pay the fee with your application.

Applying in person

If you apply in person at a District Court, you can pay by cash, or eftpos (Visa or Mastercard credit or debit cards).

File and Pay

You can pay the filing fee through File and Pay on courtsfnz.govt.nz/file-and-pay

More payment options

For more options on how to pay, you can visit:

justice.govt.nz/fines/ways-to-make-or-receive-a-payment/civil-enforcement/

Application for attachment order

Section A Information required to process your application

You must complete all the steps in this section.

1. Provide the court reference number this application relates to

For example, CIV-2013-095-123

Court reference number

You must attach a copy of the judgment or court order if you have not already given the court a copy.

- I have attached a copy
- I have already given the court a copy

2. Who is making this application for an attachment order?

- I am the judgment creditor
- I am the judgment debtor

3. Provide your details

Full name

Organisation name (if applicable)

Office held by authorised officer making application

Postal Address

Street address (if different)

Email

Phone: Mobile

Business

Home (if applicable)

If you are an applicant and wish to ensure your contact details on this form are kept confidential to the other party, please tick this box.

Indicate your preferred contact address

- my email address
- my postal address
- my lawyer's address (see Section C)
- my debt recovery company's address (see Section C)

4. Provide the details of the other party

The other party can be the judgment creditor or the judgment debtor depending on who the applicant is.

Full name of person (individual only)

Street address

Email

Phone: Mobile

Business

Home (if applicable)

5. Provide the judgment debtor's date of birth. Also provide their benefit number if known

Judgment debtor's date of birth

Judgment debtor's benefit number

6. Provide the judgment debtor's employment details

Name of employer (if the judgment debtor is on a benefit, write Ministry of Social Development)

Employers address (leave blank if the judgment debtor is receiving a benefit or ACC payment)

Employer's phone and/or email address (leave blank if the judgment debtor is receiving a benefit or ACC payment)

How often is the judgment debtor paid?

Weekly Fortnightly Monthly Don't know

7. Tell us how much you want deducted from the judgment debtor's income each pay period

The applicant can specify either an amount (\$) or a percentage (%) to be deducted from the judgment debtor's salary, wages or benefit.

Please note that even though you may specify an amount or a percentage, the collections registry officer may change this if they do not believe the deduction is sustainable.

Amount \$ Percentage %

8. Provide the details for payment

Provide the name and number of the bank account to which any payments should be made.

If you are the judgment debtor and you do not have the details for payment, leave this step blank and a collections registry officer will contact the creditor to get them.

| | |
|------------------------|---|
| Name of bank | <input type="text"/> |
| Name of branch | <input type="text"/> |
| Name of account holder | <input type="text"/> |
| Account number | <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> |
| Payment reference | <input type="text"/> |

Steps 9 and 10 below set out the judgment debt and any enforcement costs being claimed.

If you are the judgment creditor – complete step 9 only; or

If you are the judgment debtor – complete step 10 only.

9. Provide details of the judgment debt and any enforcement costs you want to claim (judgment creditor only)

You can claim some of your costs from trying to enforce the judgment or court order. Enter the judgment debt, the payments made and costs you want to claim, in the table below.

For help calculating the interest you can claim visit justice.govt.nz/fines/about-civil-debt/collect-civil-debt/interest-on-civil-debt/

Debt

| | | |
|--------------------------------------|-----------|----------------------|
| Amount of judgment debt | \$ | <input type="text"/> |
| Less amount already paid | \$ | <input type="text"/> |
| Sub total | \$ | <input type="text"/> |
| Interest on the remaining debt | \$ | <input type="text"/> |
| Sub total | \$ | <input type="text"/> |
| Enforcement costs you want to claim | | |
| Fee for filing application | \$ | <input type="text"/> |
| Lawyer costs for this application | \$ | <input type="text"/> |
| Costs of previous enforcement action | \$ | <input type="text"/> |
| Sub total | \$ | <input type="text"/> |
| Total amount owed | \$ | <input type="text"/> |

10. Provide the details of the judgment debt (judgment debtor only)

Enter the judgment debt and any money you have already paid in the table below. You cannot claim any enforcement costs. Collections staff will check for any previous enforcement costs the judgment creditor has incurred and work out the total amount you owe.

| | | |
|-------------------------|----|----------------------|
| Amount of judgment debt | \$ | <input type="text"/> |
| Amount already paid | \$ | <input type="text"/> |

Section B Date and signature

This section must be completed by the applicant or their lawyer.

Your name

Signature

Date

Select one of the following:

- I am the judgment creditor
- I am the judgment creditor's lawyer
- I am the judgment debtor
- I am the judgment debtor's lawyer

Checklist. . .



Have you attached a copy of the judgment or court order?

- Have you signed and dated the form?
- Have you paid the application fee?
- Have you served a copy of the application on the other party?
- Do you need to complete Section C?

Section C Extra information to assist the application process

Only complete the steps in Section C that are relevant to your application.

1. Provide the details of the lawyer representing you

Name of law firm

Name of lawyer

Postal address

Email

Phone

Reference number

2. Provide details of the debt recovery company collecting the debt for you

Company name

Postal address

Email

Phone

Reference number