

Application for warrant to recover land

When should I use this form?

This form lets you apply for a warrant that will enable a bailiff to give possession of land to the person named in a District Court judgment. Use this form if the following applies:

- you have a District Court judgment saying that possession of land is to be returned to you by a specified date but the defendant has not yet done this.

For residential tenancy evictions use the application for eviction warrant 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 warrant for one defendant**. If there is more than one defendant, you must file a separate application for each defendant.

Who can sign this form?

You can only sign this form if you are the plaintiff or their lawyer. Anyone can help you complete the rest of the form.

How much does it cost to make an application?

The application fee is \$200.

What other costs are involved?

An order for the payment of money may be made in the judgment along with the order to give possession of land. If the judgment debt is not paid the plaintiff can ask the bailiff to seize and sell property to pay the judgment debt.

Where property is seized to pay the debt, there will be other costs payable such as the cost of towing a vehicle or the storage of property. These costs are paid from the proceeds of sale before the balance is paid to the judgment creditor.

KEY WORDS

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

Defendant The person or organisation against whom a claim is made in the civil jurisdiction of the District Court.

Enforcement Action authorised by a court to get the defendant 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 debt The sum of money awarded to the successful party in a judgment or court order. The money is owed to the judgment creditor by the unsuccessful party.

Plaintiff The person or organisation making a claim in the civil jurisdiction of the District Court.

Warrant to recover land Allows a bailiff or constable to return possession of land to the person named in a District Court judgment.

How do I file my application?

You can file your application by post, in person or electronically through File and Pay. You must pay the fee with your application. You can also make the payment through File and Pay.

By post

Post your application to:
Central Registry,
DX SX10042
Wellington.

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 warrant will be sent to a bailiff to action. The bailiff will contact you to advise the outcome of the warrant to recover land.

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 warrant to recover land

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. Provide the details of the plaintiff making this application

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)

3. Provide the details of the defendant

Full name of person or organisation

Person's date of birth (if known)

Address

Email

Phone: Mobile

Business

Home (if applicable)

4. Provide the legal description of the land to be recovered

The land described here must match the description in the judgment.

Legal description of the land (from the certificate of title)	Street address of the land to be recovered

5. Provide the date from the judgment that you were given possession of the land

6. Provide information about whether money is owed under the judgment and whether you are claiming costs or not

Select one of the following:

This application is only made to recover land. I am not claiming costs. Go to Section B.

This application is made to enforce a judgment for the recovery of land that includes money owed and a claim for costs. I want the bailiff to seize and sell property of the defendant to satisfy the debt. Complete step 7.

7. Provide details of the judgment debt and any enforcement costs you want to claim

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"/>

8. Provide the details for payment

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

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"/>			

Section B Date and signature

This section must be completed by the plaintiff or the plaintiff's lawyer.


Your name

Signature _____ Date

Select one of the following:

- I am the plaintiff
- I am the plaintiff'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?
- Do you need to complete Section C?

Office use only

Application filed (date and time) _____

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 the details of the debt recovery company managing the enforcement process for you

Company name

Postal address

Email

Phone

Reference number