

Application to vary, suspend or cancel attachment order

When should I use this form?

This form lets you make a change to an attachment order that has already been issued. Use this form if all the following apply:

- you are either the judgment creditor or the judgment debtor
- an attachment order has already been issued
- you can provide the required information for the change(s) 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 variation for one arrangement**. If you have more than one arrangement, you must file a separate application for each.

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?

There is no fee to make an application to vary, suspend or cancel an attachment order.

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).

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.

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 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.

The judgment debtor's employer will be notified of the court's decision and a copy sent to the creditor and debtor.

Where can I find more information?

If you need help with this form, you can:

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

Application to vary, suspend or cancel 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

2. Who is making this application to vary, suspend or cancel 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 or organisation

Street address

Email

Phone: Mobile

Business

Home (if applicable)

5. Tell us what you are applying for

Variation of the attachment order

Change the amount from to

Please specify whether this is a dollar amount (\$) or percentage (%)

Change the judgment debtor's employer

from

to

(if the judgment debtor was on a benefit, write MSD-benefits)

Employer's 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

Make another change

- Suspension of the attachment order
 Suspend the attachment order for weeks
- Cancellation of the attachment order

6. Tell us the reasons for your application

Steps 7 and 8 below set out the details of the payments the judgment debtor has made and any enforcement costs being claimed.

If you are the judgment creditor – complete step 7 only; or

If you are the judgment debtor – complete step 8 only.

7. Provide the details of the payments the judgment debtor has made 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.

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 (previously awarded)	\$	<input type="text"/>
Sub total	\$	<input type="text"/>
Enforcement costs you want to claim		
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 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. A collections registry officer will check for any previous enforcement costs the judgment creditor has incurred and work out the total amount you owe.

Amount of judgment debt \$

Amount already paid \$

9. Provide the details for payment to the judgment creditor (if you have not already given these details to the court)

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"/>

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 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