Guidance on Using the Application for Charging Order Template

(Form 49 of the District Court Rules 2014)

About the notice of application for charging order

A charging order is a form of enforcement that prevents a judgment debtor from disposing of the property charged until the judgment creditor has had the opportunity to seize or sell it for satisfaction of the judgment debt, or the debtor has otherwise paid the sum owing to the creditor.

A charging order issued under this application is a final order if the property charged is land.

A charging order issued under this application is an interim order if the property charged is not land but other chargeable property permitted by [184(2) of the District Court Act 2016](http://www.legislation.govt.nz/act/public/1947/0016/latest/DLM244372.html). A person served with an interim charging order must refrain from—

* making, agreeing to, or allowing any conveyance, transfer, assignment, or disposition of any estate, right, or interest, or of any share in a partnership or company, of the judgment debtor; or
* paying over any income, interest, dividends, bonus, profits, or other money due or accruing due to the judgment debtor.

An interim charging order, once issued, may be made final by making an application in form 55.

An application for an interim charging order or final charging order over land must be accompanied by:

* an affidavit in form 50
* draft charging orders in either form 51 or 52 (depending on the property being charged).

How to use the template

All the required fields are set out in the template on the following two pages.

The sections that you have to fill out are marked with red text. The red text explains what you need to put in. These are either:

* fillable form fields, so click on the red text and start typing.
* dropdown fields, where you can select and option.

If you want to leave the field blank, just enter a space.

The blue text is explanatory notes. Delete these notes before printing the form.

Formatting your form

Before printing the form, check the following:

That the pages are numbered. Numbering should at page 1 on the page after the cover page (i.e. the cover page should not be numbered). The template is set up to automatically number the pages in this matter.

You may print the form either single or double-sided. However, the cover sheet must not be double sided. If you print double sided you must adjust the margins as follows:

* In the “Margins” section in Word, select “Custom Margins”. In the box that pops up, find the field called “Multiple pages”. Select “Mirror Margins” from the dropdown menu, and click OK.
* The wide margin should now be on the left of every front page, and on the right of every reverse page.

Once you have completed the form, print and sign it.

In the District Court at Choose an item.

No: number of proceeding

Between name (judgment creditor)

And name (judgment debtor)

Note: if there are more than two parties involved, list their names, addresses and occupations in the format above.

If there is a counterclaim, repeat the fields above for any counterclaim plaintiffs/defendants.

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Next event date: Next court event date (if known). Delete this line if unknown.

Judicial officer: Judge hearing the next event (if known). Delete this line if unknown.

Fill out the option that applies and delete the other option. **NOTE: enter enough lines above so this section is at the bottom of the cover page.**

For an individual: Filed by Person’s name, the Your role in proceedings, e.g. “plaintiff” in person.

OR; for an organisation: Filed by Person’s name, an authorised officer for the Your organisation’s role in proceedings, e.g. “plaintiff”, Enter the name of the organisation.

**To** the Registrar

1. The select role will applies to the District Court at place for the making of a charging order under section 184 of the District Court Act 2016.
2. The charging order sought is select type charging order affecting the property of the judgment debtor known as specify nature and location of the property to be the subject of the charging order.

Note in paragraph 2 above select “a final” charging order if the property subject to the order applied for is land. Otherwise select “an interim” charging order.

1. The order is sought on the grounds set out in the attached affidavit.

Date:

Signature: (sign here)

select role

This application is filed by name, whose address for service is at address.

The section below is to be completed by the Registrar

Application filed:

Order made: