

Filing a financial statement of judgment debtor

ORGANISATION

When should I use this form?

This form lets the judgment creditor find out more about a judgment debtor's ability to pay a judgment debt. And it lets the judgment debtor provide information so that a financial assessment can be completed without a hearing being required.

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 can provide the required information for a financial assessment to be completed – as set out in Section B of this form.

If the judgment debtor is an individual, use form MOJ208/04/18.

How is a judgment creditor able to file a financial statement for the judgment debtor?

An example of this is when the judgment creditor has issued the judgment debtor with a notice to complete a financial statement and the debtor complies with the request. If the judgment creditor is filing the judgment debtor's financial statement, they must include the date and source of the financial information provided.

How do I complete this form?

This form has three sections:

- Section A is for information about the applicant. The applicant can be either the judgment creditor or the judgment debtor.
- Section B is for the date and your signature. You must complete Section B.
- Section C is the financial statement of the judgment debtor.
- You can only use this form to file **one financial statement for one debtor**. If you have more than one debtor, you must file a separate statement for each debtor.

Who can sign this form?

You can only sign this form if you are the judgment creditor, the judgment debtor, or their lawyer. Anyone can help you complete the rest of the form.

How much does it cost to make a financial statement?

The fee is \$65. If the financial statement is filed by 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.

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.

Financial statement A summary of the judgment debtor's income, expenditure and assets for the past 52 weeks.

Judgment The decision of a judge in court proceedings. It also includes the reason(s) 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 the financial statement?

You can file the financial statement by post or in person. You must also serve a copy of the financial statement on the other party, by post, email or handing a copy to the other party.

You must pay the filing fee with the financial statement. If you want to pay by credit or debit card please complete the payment details section in this form.

By post

Post the financial statement to:
Central Registry,
DX SX10042
Wellington.

In person

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

What are the next steps after filing a financial statement?

The court will make a decision based on the information supplied in the financial statement. No assessment hearing will occur.

Both the judgment creditor and the judgment debtor will be advised of the outcome.

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**.

Paying for filing a financial statement

You must pay the fee with the financial statement.

Filing in person

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

Filing by post

If you apply by post, you can pay by Visa or Mastercard. Complete the card details below.

Credit or debit card details

Type of card

Visa

Mastercard

Name on Card

Card number

Card expiry date

 /

Payment amount \$

Once the payment has been processed, we will dispose of this information securely.

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/

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Section A Information about the applicant

1. Provide the court reference number this financial statement 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 completing this financial statement?

- Judgment debtor
- Judgment creditor

If you are the judgment creditor

Where did you get the information about the debtor? (For example, a finance application)

What date did you get the information?

3. Provide your details

Full name

Organisation name

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
- my debt recovery company's address

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

Organisation name (if applicable)

Postal Address

Street address (if different)

Email

Phone: Mobile

Business

Home (if applicable)

5. 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 judgment creditor's bank details, leave this step blank and the collections registry officer will contact the judgment creditor to get them.

Name of bank

Name of branch

Name of account holder

Account number

Payment reference

6. Provide 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 \$

7. 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"/>

8. Provide the details of the debt recovery company collecting the debt for the judgment creditor, if there is one

If you do not know if the judgment creditor uses a debt recovery company, or what that company's details are, leave this step blank.

Company name

Postal address

Email

Phone

Reference number

9. Provide the details of the lawyer representing you, if you have one

Name of law firm

Name of lawyer

Postal address

Email

Phone

Reference number

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?

Has the financial statement in Section C been signed and dated?

Have you attached the filing fee?

Have you served a copy of the financial statement on the other party?

Section C Financial statement of judgment debtor

1. Provide details of the judgment debtor's income

Organisation name

Contact person

Income

Frequency

Weekly Fortnightly Monthly

	Amount
Accounts receivable	\$ <input type="text"/>
Loans/cash injections	\$ <input type="text"/>
Donations	\$ <input type="text"/>
Other income (please specify)	
<input type="text"/>	\$ <input type="text"/>
<input type="text"/>	\$ <input type="text"/>
<input type="text"/>	\$ <input type="text"/>
Total income	\$ <input type="text"/>

2. Provide details of the judgment debtor's expenses

Enter the judgment debtor's expenses in the table below.

Frequency

Weekly Fortnightly Monthly

	Amount
Wages and salaries	\$ <input type="text"/>
Rates	\$ <input type="text"/>
Rent	\$ <input type="text"/>
Leases	\$ <input type="text"/>
Loan payments	\$ <input type="text"/>
Vehicle expenses	\$ <input type="text"/>
Fuel	\$ <input type="text"/>
Electricity	\$ <input type="text"/>
Telephone	\$ <input type="text"/>
Internet	\$ <input type="text"/>
Insurance	\$ <input type="text"/>
Accounting and legal fees	\$ <input type="text"/>
Advertising	\$ <input type="text"/>
Maintenance	\$ <input type="text"/>
Supplies	\$ <input type="text"/>
Other expenses (please specify)	
<input type="text"/>	\$ <input type="text"/>
<input type="text"/>	\$ <input type="text"/>
<input type="text"/>	\$ <input type="text"/>
Total expenses	\$ 0.00

3. Provide details of the judgment debtor's assets

Enter the judgment debtor's assets in the table below.

Value of Land and buildings (please specify addresses)

	\$	
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Stock (please specify)

	\$	
--	----	--

Investments (please specify)

	\$	
--	----	--

Motor vehicles (provide details in the table below)

\$	
----	--

Other assets (please specify)

	\$	
--	----	--

	\$	
--	----	--

Total assets \$ 0.00

Details of motor vehicles

Make/Model

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Registration number

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4. Additional information

Please write down any other information you would like the court to consider. Use extra pages if necessary.

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5. Payment plan (judgment debtor only)

A judge or registrar will decide how the judgment debtor must pay the debt. The judgment debtor can offer a plan for paying the debt. The judge or registrar will consider this plan when making their decision.

Amount \$

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Frequency

Weekly Fortnightly Monthly Lump sum

6. Date and signature

The financial statement must be signed by the judgment creditor or judgment debtor, or their lawyer.

Your name

Signature _____ Date

Select one of the following:

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