

Application for warrant to seize property

When should I use this form?

This form lets you apply for a warrant that will enable a bailiff to seize and sell property belonging to the judgment debtor to pay a judgment debt. Use this form if all the following apply:

- you are the judgment creditor and the money owed to you in a judgment or court order has not been paid
- you can provide an address for the judgment debtor or you have been advised that the Ministry of Justice has found an address.

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 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 judgment creditor 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. The court can order the judgment debtor to repay the fee.

What other costs are involved?

When property is seized 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.

Confidential address request A request to the Ministry of Justice to check its records for an address for the judgment debtor.

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.

Warrant to seize property Allows a bailiff or constable to seize and sell property belonging to the judgment debtor to pay a judgment debt.

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 seize property.

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 seize property

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 judgment creditor making this application

The judgment creditor is the person money is owed to.

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 judgment debtor

The judgment debtor is the person who owes the money.

Full name of person or organisation

Person's date of birth (if known)

Address

Do you have an address for the judgment debtor?

Yes, the address is

This address was current on

I would like the Ministry of Justice to check its records and, where they are more recent, use the contact details it holds for the judgment debtor.

No, I do not have an address for the judgment debtor. But I have made a confidential address request and the Ministry of Justice has advised that it has found an address for the judgment debtor.

Other contact details

Provide any other contact details for the judgment debtor.

Email

Phone: Mobile

Business

Home (if applicable)

4. Provide the 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"/> |
| | | <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"/> |

6. 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 judgment creditor or the judgment creditor's lawyer.

Your name


Signature

Date

Select one of the following:

- I am the judgment creditor
- I am the judgment creditor'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 collecting the debt for you

Company name

Postal address

Email

Phone

Reference number