Guidance on Using the Affidavit in Support of Application for Charging Order Template

(Form 50 of the District Court Rules 2014)

About the affidavit in support of application for charging order

This affidavit must be filed when making an application for an interim/final charging order in form 49.

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.

Note: use the terms”, “swear” and “sworn” if you wish to make an oath on religious text. Otherwise uses the terms, “solemnly and sincerely affirm” and “affirmed”.

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.

Affidavit in support of application for charging order by Deponent’s name

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.

I, name, address and occupation of deponent, swear/solemnly and sincerely affirm:

1. On date, in the District Court at place, the judgment creditor obtained a judgment/order in this proceeding against the judgment debtor for the payment of the sum of $amount, including costs.

Select one of the options below and delete the other option:

1. The judgment/order is still unsatisfied.

OR

1. The sum of $ amount, part of the sum adjudged/ordered to be paid, is still unsatisfied.
2. I believe that the judgment debtor is beneficially entitled to the following property:

Specify type of property

Include in the above:

(a) in the case of land,—

(i) the alleged estate, right, title, or interest of the judgment debtor; and

(ii) the nature, location, and description of the property:

(b) in the case of any right or interest in a partnership, the name and business address of the partnership and the extent of the alleged interest:

(c) in the case of shares, the name of the company, the address of its registered office, and the alleged number and denomination of the shares:

(d) in the case of any estate, right, or interest in any land, or in any money, shares, or other chattels, held under or by virtue of any trust for the judgment debtor, the name and address of the trustee or trustees of the trust.

Signature of deponent:

Sworn/Affirmed

Before me:

Registrar/Deputy Registrar/Solicitor/Justice of the Peace