

3. That I have just reason to believe that the defendant has since the date of the order to pay the debt by instalments had sufficient money to pay the instalment so due [as the case may be].

4. And I undertake to prove to the satisfaction of the Court at the hearing that the debt [Set out specifically grounds of fraud if alleged].

And I am aware that if no order is made I shall have to pay the cost of this summons.

Witness to signature : \_\_\_\_\_, Plaintiff [or Agent for Plaintiff].

[Debt Form 7.]

APPLICATION FOR SECOND OR SUBSEQUENT JUDGMENT SUMMONS.

*The Imprisonment for Debt Limitation Act, 1908, and the Magistrates' Courts Act, 1908.*

In the Magistrate's Court holden at \_\_\_\_\_

Between \_\_\_\_\_, of [Address and description], plaintiff, and \_\_\_\_\_, of [Address and description], defendant.

I APPLY for the issue of a judgment summons against the said defendant in respect of a judgment [or order, or decree] of this Court [or of (Here set forth the style or other sufficient description of the Court which gave the judgment or made the order or decree)] given [or made] on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, for £ \_\_\_\_\_, on the grounds—

1. That on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, the Court refused to make an order on a judgment summons issued out of this Court.

2. That I have just reason to believe that the defendant, after providing for the reasonable maintenance of himself and his family, has since the date of the last-mentioned refusal to make an order had sufficient money to pay the debt; or

3. That I have just reason to believe that the defendant has, since the date of the refusal to make an order referred to in paragraph 1 hereof, in respect of the payment of the debt by instalments, had sufficient money to pay the instalment due on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

4. And I undertake to prove to the satisfaction of the Court at the hearing that the debt [Set out specifically grounds of fraud if alleged].

And I am aware that if no order is made I shall have to pay the cost of this summons.

Witness to signature : \_\_\_\_\_, Plaintiff [or Agent for Plaintiff].

[Debt Form 8.]

AFFIDAVIT WHERE JUDGMENT SUMMONS IS SOUGHT.

*The Imprisonment for Debt Limitation Act, 1908, and the Magistrates' Courts Act, 1908.*

In the Magistrate's Court holden at \_\_\_\_\_

Between \_\_\_\_\_, of [Address and description], plaintiff, and \_\_\_\_\_, of [Address and description], defendant.

I, \_\_\_\_\_, the above-named plaintiff [or agent for the above-named plaintiff], make oath and say,—

1. That on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, I [or the above-named plaintiff] obtained a judgment [or order, or decree] in [Here set forth the style of the Court in which judgment, decree, or order obtained] against \_\_\_\_\_, the above-named defendant, for the payment of the sum of £ \_\_\_\_\_.

2. That subsequent costs of execution have been incurred amounting to £ \_\_\_\_\_.

3. That the defendant has [not] paid [any part of the debt] the sum of £ \_\_\_\_\_ towards the said debt.

4. That there is still due on the said judgment [or order, or decree] the sum of £ \_\_\_\_\_.

5. That I believe that the defendant, after providing for the reasonable maintenance of himself and his family, has since the date of the judgment had sufficient money to pay the debt or [If fraud is alleged it must be specified].

Sworn at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, before me, \_\_\_\_\_, Plaintiff [or Agent for Plaintiff].

\_\_\_\_\_ for New Zealand [or Clerk of Court, or Solicitor].

[Debt Form 9.]

AFFIDAVIT IN SUPPORT OF JUDGMENT SUMMONS WHERE MONEY ORDERED TO BE PAID BY INSTALMENTS IN THE FIRST INSTANCE.

*The Imprisonment for Debt Limitation Act, 1908, and the Magistrates' Courts Act, 1908.*

In the Magistrate's Court holden at \_\_\_\_\_

Between \_\_\_\_\_, of [Address and description], plaintiff, and \_\_\_\_\_, of [Address and description], defendant.

I, \_\_\_\_\_ [or solicitor, or agent, for], the above-named plaintiff, make oath and say,—