

[Debt Form 12.]

AFFIDAVIT WHERE JUDGMENT SUMMONS IS SOUGHT WHEN ORIGINAL JUDGMENT ALTERED.

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, 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 have been incurred amounting to £ _____.
 3. That on the _____ day of _____, 19____, by an order of the Magistrate's Court at the said judgment or order was altered to a payment by instalments of £ _____ on the _____ of _____, 19____, and £ _____ on the _____ day of _____, 19____.
 4. That the defendant has made default in the payment of the instalment due on the _____ day of _____, 19____, and there is still due in respect of the said instalment 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 order for payment of the said instalment had sufficient money to pay the same or [If fraud is alleged it must be specified].

Sworn at _____, this _____ day of _____, 19____, before me, _____, a Justice of the Peace for New Zealand [or Clerk of Court, or Solicitor].

[Debt Form 13.]

AFFIDAVIT WHERE SECOND JUDGMENT SUMMONS IS SOUGHT ON AN ORDER OF A MAGISTRATE'S COURT.

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 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 have been incurred amounting to £ _____.
 3. That on the _____ day of _____ the Court refused to make an order of committal against the defendant in respect of a judgment [or decree, or order] in the Magistrate's Court at _____.
 4. That the defendant has still made default in the payment of such debt [or part of such debt], and there is still due and owing in respect of such judgment debt and costs the sum of £ _____.
 5. That I believe that since the date of the refusal to make such order the defendant has, after providing for the reasonable maintenance of himself and his family, had sufficient money to pay the debt [or instalment] due. And the following are the grounds of my belief [State grounds].

Sworn at _____, this _____ day of _____, 19____, before me, _____, a Justice of the Peace for New Zealand [or Clerk of Court, or Solicitor].

[Debt Form 14.]

AFFIDAVIT WHERE JUDGMENT SUMMONS IS SOUGHT ON SHORT SERVICE.

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, 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 have been incurred amounting to £ _____.
 3. That there is still due on the said judgment [or order, or decree] the sum of £ _____.
 4. That the judgment debtor is about to remove from his place of residence [or business : or is keeping out of the way] to avoid service of the summons in these proceedings.