Template 2: Blank letter attaching Statement of Financial Position

DATE

Debtor’s name

Debtor’s address

**Attention: Debtor’s name
By email: Debtor’s email address**

Dear [Debtor’s name]

Statement of Financial Position - Form 71

I refer to the [insert details of the Money Order, including if you have registered a QCAT Money Order in the Court] *[Optional – If you have already sent a letter of demand]* and my letter of [Date of letter of demand].

[*Insert any facts as relevant, e.g. if the debtor has not responded to a letter of demand, or if they have refused to pay*]

I **enclose** a [Form 71/Form 71A]Statement of Financial Position.

I give you notice under rule 807 of the *Uniform Civil Procedure Rules 1999* (Qld) that I require you to complete and return the [Form 71/Form 71A] Statement of Financial Position to me within 14 days (by [insert date 14 days from date of letter]).

If you fail to respond within the time stipulated or do not provide sufficient information, I intend to apply to the Court to summon you to an Enforcement Hearing.

You can read more about the Statement of Financial Position and can complete it online by visiting the Court website: <https://www.courts.qld.gov.au/going-to-court/money-disputes/statement-of-financial-position>

[*Optional – if you have not already done so, you may consider making a demand for payment of the judgment amount by a certain date as well, including details of how the payment should be made.]*

Yours faithfully

*YOUR NAME*

Your address

Your email

Example 2: Letter attaching Statement of Financial Position

16 March 2022

Sam Jones

1 Sunshine Road

Brisbane 4000 QLD

**Attention: Sam Jones
By email: Sam.Jones@gmail**

Dear Mr Jones

Statement of Financial Position - Form 71

I refer to the QCAT order in matter number 000100/01 dated 1 January 2022, which I registered in the Brisbane Magistrates Court on 1 March 2022 (see **enclosed** copy of registered QCAT order) and my letter of demand dated 1 March 2022.

You did not respond to my letter of demand dated 1 March 2022, and to date I still have not received any payment of the amount you owe me under the QCAT order.

I **enclose** a Form 71Statement of Financial Position.

I give you notice under rule 807 of the *Uniform Civil Procedure Rules 1999* (Qld) that I require you to complete and return the Form 71 Statement of Financial Position to me within 14 days (by **30 March 2022**).

If you fail to respond within the time stipulated or do not provide sufficient information, I intend to apply for an Enforcement Hearing.

You can read more about the Statement of Financial Position and can complete it online by visiting the Court website: <https://www.courts.qld.gov.au/going-to-court/money-disputes/statement-of-financial-position>

Yours faithfully

*John Smith*

1 Brisbane Road

Brisbane 4000 QLD

John.smith@gmail

MAGISTRATES COURT OF QUEENSLAND

## Registry: Brisbane

## Number: M100/22

Applicant: **JOHN SMITH**

 AND

Respondent **SAM JONES**

STATEMENT OF FINANCIAL POSITION

Enforcement creditor: **JOHN SMITH**

Enforcement debtor:**SAM JONES**

*Instructions for enforcement debtor completing statement:*

* You must complete this statement and return it to the enforcement creditor at 1 Brisbane Road, Brisbane QLD 4000 within 14 days after you received it.
* If you fail to return the completed statement you may be liable to punishment for contempt of court.
* All questions must be answered.
* Use the word ‘Nil’ if appropriate.
* If you would like to complete this form electronically, a copy can be found on the Queensland Courts website at <https://www.courts.qld.gov.au/about/forms?root=84820> (then open Form 71). You will need to print your completed form to sign it and send it to the enforcement creditor. Where Yes**[ ]** No**[ ]** appears, double click then select ‘Not checked’ or ‘Checked’ as appropriate.
* If you are completing this form manually, where Yes **[ ]** No **[ ]** appears, tick or cross the appropriate box.
* Estimates can only be given if, after reasonable enquiry, you are unable to give an accurate answer. Any estimates should have the letter ‘E’ inserted before the amount shown.
* **If you are completing this form manually and you need more room to answer any of the questions, attach a separate page with your answers.**

| PART 1–INCOME |
| --- |
| **1.1** | Are you currently employed? Yes**[ ]** No**[ ]**  If ‘no’, please go to Item 1.10 |
| **1.2** | What is your employer’s name: |  |
| **1.3** | What is your employer’s address: |  |
| **1.4** | What is your occupation or position: |  |
| **1.5** | When did your current employment commence? |  |
| **1.6** | What is the amount of all payments actually received by you from this employment (after deduction of tax) currently per week?(If the amount varies from week to week, state a typical amount.) |  |
| **1.7** | What are the dates of receipt of the last four payments in Item 1.6? |  |
| **1.8** | Are these Item 1.6 payments made directly into an account with a bank or financial institution? Yes**[ ]** No**[ ]** If ‘yes’, for each employment payment state: |
| * the name of the bank or financial institution
 |  |
| * the name of the account
 |  |
| * the BSB number
 |  |
| * the account number
 |  |
| **1.9** | If any regular deductions are made from the payments detailed in Item 1.6, other than for tax, what is the purpose and weekly amount of each deduction? |  |
| **1.10** | On what date did your last period of employment end? |  |
| **1.11** | What was the length of your last period of employment? |  |
| **1.12** | What is the name of your last employer |  |
| **1.13** | What is the address of your last employer |  |
| **1.14** | What was the value of your average weekly earnings (after deduction of tax) during your last period of employment? |  |
| **1.15** | Are you in receipt of any pension, benefits, annuities or other similar payment from any government department, former employer, superannuation fund or other body? Yes**[ ]** No**[ ]** If ‘no’, please go to Item 1.17.If ‘yes’, in respect of each source of such payment/s state: |
| * the source of the payment (e.g. CentreLink)
 |  |
| * the nature of the payment (e.g. disability pension)
 |  |
| * the value per week of the amount actually received
 |  |
| * the amount (if any) deducted for tax
 |  |
| **1.16** | Are these Item 1.15 payments made directly into an account with a bank or financial institution? Yes**[ ]** No**[ ]** If so, for each payment state: |
| * the name of the bank or financial institution?
 |  |
| * the name of the account
 |  |
| * the BSB number
 |  |
| * the account number
 |  |
| **1.17** | Are you self-employed? Yes**[ ]** No**[ ]** If ‘yes’, state: |
| * your occupation
 |  |
| * the total amount received by you as a self-employed person during the last financial year
 |  |
| * the total amount of expenditure incurred by you in earning income during that financial year
 |  |
| **1.18** | In the last 12 months, did you receive any income from any of the following sources, and if so, what was the total amount of each received in the last 12 months or the last financial year (specifying the relevant period): |
| * dividends
 |  |
| * interest from banks, building societies, credit unions, other financial institutions, shares, etc.
 |  |
| * sale of shares
 |  |
| * money from trusts or estates
 |  |
| * drawings from business, partnership, company and trusts
 |  |
| * rent payments
 |  |
| * board payments
 |  |
| * worker’s compensation payments
 |  |
| * maintenance payments (child or spouse)
 |  |
| * any other income from any source (give details)
 |  |
| **1.19** | Are you wholly or partly dependent on any other person for financial support? Yes**[ ]** No**[ ]** If ‘yes’, what is the: |
| * name of that person?
 |  |
| * relationship of that person to you?
 |  |
| * average weekly value of that support?
 |  |
| **1.20** | Is any other person wholly or partly dependent on you for financial support? Yes**[ ]** No**[ ]** If ‘yes’, what is the: |
| * name of that person?
 |  |
| * relationship of that person to you?
 |  |
| * average weekly value of that support?
 |  |
| **1.21** | Are you are expecting to receive a lump sum payment in the foreseeable future? Yes**[ ]** No**[ ]** If ‘yes’, what is the: |
| * source of the payment?
 |  |
| * amount of the payment?
 |  |
| * expected date of receipt?
 |  |
| **1.22** | *Provide* copies of your notices of assessment (from the Australian Taxation Office) for the last 2 years ending 30 June. |

| PART 2–EXPENSES |
| --- |
| **2.1** | Do you incur any expenses in obtaining any of the income disclosed above, other than expenditure in earning income from self-employment? Yes[ ]  No[ ] If ‘Yes’ what are the: |
| * details of expenses incurred?
 |  |
| * average annual or weekly value of each expense?
 |  |
| **2.2** | Do you (not your employer on your behalf) make contributions to any superannuation fund/s? Yes[ ]  No[ ] If yes, what is the: |
| * name of each such fund?
 |  |
| * total contribution by you in the last 12 months to each such fund?
 |  |
| **2.3** | What are your average weekly personal expenses for the categories listed below? |
| * food and household supplies
 |  |
| * accommodation expenses (including rent, board, hospital, nursing home etc. but excluding mortgage payments) and state to whom these expenses are paid
 |  |
| * rates, body corporate levies, and land tax
 |  |
| * home maintenance and repairs
 |  |
| * lay-by payments
 |  |
| * electricity, gas, telephone (including mobile telephones) and internet expenses
 |  |
| * mortgage payments
 |  |
| * child care
 |  |
| * child maintenance actually paid
 |  |
| * medical, dental, optical, ambulance and pharmacy
 |  |
| * clothing and shoes
 |  |
| * school fees and other educational expenses
 |  |
| * insurance policy premiums - specify types of insurance as well as amounts
 |  |
| * public transport fares
 |  |
| * vehicle expenses (including registration, insurance, maintenance and running expenses)
 |  |
| * entertainment and other recreational expenses
 |  |
| * union or association fees
 |  |
| * any other weekly expenses - give details
 |  |
| **2.4** | Do you have any goods or assets (not real property) subject to a lease or hire purchase agreement? Yes[ ]  No[ ] If yes, *provide* a copy of each lease or hire purchase agreement. If yes, for each lease or hire purchase agreement state: |
|  | * the subject goods or assets
 |  |
|  | * the name of the hire purchase company or lessor
 |  |
|  | * when and in what amounts periodic payments are required to be made
 |  |
|  | * the balance owing under the hire purchase agreement
 |  |
|  | * how much has been paid under the lease or hire purchase agreement to date
 |  |
|  | * The commencement date and term of the lease
 |  |
|  | * The residual value, if any, of the lease property
 |  |

| PART 3–ASSETS |
| --- |
| **3.1** | Do you own or have any other interest in any land (including any house, home unit, farm, or tenancy of any property) either alone or with another or others? Yes[ ]  No[ ] If ‘yes’, for each piece of land: |
| * what is the location and real property description of the land?
 |  |
| * what interest do you have in it (e.g. owner, tenant)?
 |  |
| * do you hold that interest alone?
 |  |
| * if not, who else has an interest in the land, and what is the extent of their interests?
 |  |
| * what is the value of your interest in the land?
 |  |
| **3.2** | Do you have any money in bank accounts, building societies, credit unions or similar financial institutions? Yes[ ]  No[ ] If ‘yes’, for each account: |
| * what is the name of the institution?
 |  |
| * what name is the account in?
 |  |
| * what is the account number?
 |  |
| * what is the current amount in the account?
 |  |
| **3.3** | Do you have any life insurance policies? Yes[ ]  No[ ] If ‘yes’, for each policy: |
| * what is the name of the insurer?
 |  |
| * what is the policy number?
 |  |
| * what is the surrender value?
 |  |
| **3.4** | Do you own any shares or debentures? Yes[ ]  No[ ] If ‘yes’, for each holding state: |
| * the name of the corporation which has issued the shares or debentures
 |  |
| * the description and number of the shares or debentures
 |  |
| * the current market value of the shares or debentures
 |  |
| **3.5** | Do you hold an interest in any business, partnership, etc.? Yes[ ]  No[ ] If ‘yes’, for each state: |
| * the name of the business/partnership
 |  |
| * the current market value of the business/partnership
 |  |
|  | * the name of the holder of any other interest

and the extent of that interest  |  |
| **3.6** | Do you have an interest in any deceased estate or trust? Yes[ ]  No[ ] If ‘yes’, for each identify: |
| * the name of the estate or trust
 |  |
| * the nature and extent of the interest
 |  |
| * the value of the interest
 |  |
| **3.7** | Do you have an interest in any superannuation fund? Yes[ ]  No[ ] If yes, state: |
|  | * the name of the fund
 |  |
| * the nature and present value of the interest
 |  |
| * the date and amount of expected distributions from the fund, and

*provide* a statement from the Trustee of the fund as to the value of the interest |  |
| **3.8** | Is there any money owing to you from any source? Yes[ ]  No[ ] If ‘yes’, for each debt owed state: |
| * whether the money is owing under an agreement in writing. If so, *provide* a copy of the agreement.
 |  |
| * who owes you the money
 |  |
| * the amount owed
 |  |
| * when the debt is likely to be repaid
 |  |
| **3.9** | Do you have any money on hand? Yes[ ]  No[ ] If ‘yes’: |
| * what is the amount?
 |  |
| * where is the money held?
 |  |
| **3.10** | Do you own any vehicles? Yes[ ]  No[ ]  |
| If ‘yes’, for each vehicle state the make, model, year, registration number and current market value. |  |
| **3.11** | Do you own any caravans, boats, trailers, jet skis or other similar items? Yes[ ]  No[ ]  |
| If ‘yes’, for each item state the make, model, year, registration number and current market value. |  |
| **3.12** | Do you own any furniture and/or other household goods (e.g. whitegoods, appliances)? Yes[ ]  No[ ]  |
| * Identify significant items
* What is the estimated value of these items?
 |  |
| **3.13** | Do you own any jewellery and/or other personal effects? Yes[ ]  No[ ]  |
| * Identify significant items
* What is the estimated value of these items?
 |  |
| **3.14** | Do you own or have any interest in any property of any kind, including intellectual property (e.g. business or product names, trademarks, computer software, domain names), goodwill, stock in trade, livestock, artwork other than as set out above? Yes[ ]  No[ ]  |
| If ‘yes’, identify each item of property and give its estimated value. |  |

| PART 4–LIABILITIES |
| --- |
| **4.1** | Have you mortgaged or charged any property? Yes[ ]  No[ ] If ‘yes’, provide a copy of the mortgage or charge and for each mortgage or charge state: |
| * if registered, its registered number and date of registration
* name of mortgagee or chargee
 |  |
| * details of the encumbered property
 |  |
| * total amount owing
 |  |
| * the frequency (e.g. weekly, monthly) and amount of the payments
 |  |
| **4.2** | Do you have any bank loans or overdrafts? Yes[ ]  No[ ] If ‘yes’, for each loan/overdraft, state: |
| * the name of the bank or financial institution
 |  |
| * total amount owing and limit of the overdraft
 |  |
| * the frequency (e.g. weekly, monthly) and the average amount of the payments
 |  |
|  | * if the loan or overdraft is secured against any asset – give details.
* any minimum requirements for repayment
 |  |
| **4.3** | Do you have any credit cards? Yes[ ]  No[ ] If ‘yes’, for each card state: |
|  | * name of the financial institution which issued the card
 |  |
|  | * the debit balance of the card
 |  |
| **4.4** | Do you owe anyone any money other than as disclosed above (including tax liabilities)? Yes[ ]  No[ ] If ‘yes’, state: |
| * the name of the creditor
 |  |
| * the amount owing
 |  |
| * the frequency and amount of any regular repayments
 |  |
| * when the debt is payable
 |  |
|  | * *provide* a copy of any relevant agreements
 |
| **4.5** | Have you guaranteed the debts of any other person or corporation? Yes[ ]  No[ ] If yes, state:  |
|  | * the names of the principal debtor and the creditor
 |  |
|  | * whether the guarantee was wholly or partly in writing and, if so, *provide* a copy of the written instrument and state the monetary limit of the guarantee
 |  |

| PART 5–PROPOSAL FOR PAYMENT |
| --- |
| **5.1** | Do you have any proposal for the payment or satisfaction of the debt to the enforcement creditor? Yes[ ]  No[ ]  |
| If ‘yes’, what do you propose? |  |

# VERIFICATION OF STATEMENT

 of

 *(Full name of deponent) (residential or business address or place of employment), (occupation or other description)*states on oath [*or*: solemnly and sincerely affirms and declares]:

* The information set out in this statement is true, and correct to the best of my knowledge and belief. Where I have given an estimate in this statement, it is given in good faith to the best of my knowledge and belief.
* To the best of my knowledge and belief I have no income, property or financial resources other than as set out in this statement.

Sworn [*or:* affirmed] by *(full name)* on *(date)* at *(place)* in the presence of:

|  |  |
| --- | --- |
| *(Signature of deponent)**…………………………………………….* | *(Signature of person taking statement)**………………………………………………..* |
| *(Full name of Deponent/Enforcement debtor)*……………………………………………. | *(Full name of Witness)**……………………………………………….* |
| Deponent | *Insert qualifications of Witness* *Lawyer / J.P. / Comm. Dec / Notary Public /etc.* |
|  | *(Certificate of reading or signature where required under Rule 433 UCPR)* :* *The Witness, by signing, certifies that this statement of the enforcement debtor's financial position was read in the presence of the deponent who both seemed to understand it and signified that he or she made the statement but was incapable of reading it. (See R433(1) UCPR)*
* *The Witness, by signing, certifies that this statement of the enforcement debtor's financial position was read in the presence of the deponent who both seemed to understand it and signified that he or she had made the affidavit but was physically incapable of signing it. (See Rule 433(2) UCPR)*
 |