Template 3: Blank Form 9 Application for Enforcement Hearing

**MAGISTRATES COURT OF QUEENSLAND**

|  |  |
| --- | --- |
| REGISTRY: [INSERT] |  |
| NUMBER: [INSERT] |  |

|  |  |
| --- | --- |
| Applicant/Enforcement Creditor: | [Insert your name] |
|  | AND |
| Respondent/Enforcement Debtor: | [Insert Debtor’s name] |

**APPLICATION**

TAKE NOTICE that the Applicant (the **Enforcement Creditor**) is applying to the Court for the following orders:

1. The Respondent (the **Enforcement Debtor**) be summoned to attend an Enforcement Hearing in this Court pursuant to rule 808 of the *Uniform Civil Procedure Rules 1999* (Qld) (**UCPR**) at a time and place to be ordered by the Court to give information and answer questions about the Enforcement Debtor’s property and other means of satisfying the order debt under the Money Order dated [date of your Money Order], and to produce the documents listed in the Schedule below:

 **Schedule**

 [*List documents you are seeking from the Debtor regarding their financial position]*

1. [*Optional: only include if necessary*] The Enforcement Debtor complete and return to the Enforcement Creditor a Statement of Financial Position in the approved form at least 4 business days before the date of the Enforcement Hearing.
2. That the Enforcement Debtor pay the Enforcement Creditor’s costs (if any) of the application.

This application will be heard by the Court at [Insert address of relevant Court].

on: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Filed in the [INSERT] Registry on \_\_\_\_\_\_\_\_\_\_:

|  |  |
| --- | --- |
| APPLICATION | Your name |
| Filed on Behalf of the Applicant | Your Address |
| Form 9, Version 1 |  |
| Uniform Civil Procedure Rules 1999 | Your Phone No |
| Rule 31 | Your Email |

Registrar:

If you wish to oppose this application or to argue that any different order should be made, you must appear before the Court in person or by your lawyer and you shall be heard. If you do not appear at the hearing the orders sought may be made without further notice to you.

On the hearing of the Application the Applicant intends to rely on the following affidavits:

1. Affidavit of [YOUR NAME] sworn/affirmed [date affidavit sworn or affirmed].

THE APPLICANT ESTIMATES THE HEARING SHOULD BE ALLOCATED (Insert Estimate) Hours/Minutes

Signed: [*Sign here*]

Description: [Your name]

 Applicant/Enforcement Creditor

Dated: [INSERT]

This application is to be served on:

Respondent/Enforcement Debtor

[Debtor’s name]

[Debtor’s address]

Example 3: Form 9 Application for Enforcement Hearing

**MAGISTRATES COURT OF QUEENSLAND**

 REGISTRY: Brisbane

 NUMBER: M100/22

Applicant/Enforcement Creditor: **JOHN SMITH**

 AND

Respondent/Enforcement Debtor: **SAM JONES**

APPLICATION

TAKE NOTICE that the Applicant (the **Enforcement Creditor**) is applying to the Court for the following orders:

1. The Respondent (the **Enforcement Debtor**) be summoned to attend an Enforcement Hearing in this Court pursuant to rule 808 of the *Uniform Civil Procedure Rules 1999* (Qld) (**UCPR**) at a time and place to be ordered by the Court to give information and answer questions about the Enforcement Debtor’s property and other means of satisfying the order debt under the Money Order dated 1 January 2022, and to produce the documents listed in the Schedule below:

**Schedule**

* 1. Copies of statements for accounts held in financial institutions (such as banks or credit unions) for the previous 3 months, including statements for any loan or mortgage accounts;
	2. Copies of documents relating to the ownership of any property or business that the Enforcement Debtor has an interest in, including, but not limited to, share scripts, debentures, unit trust scripts, title deeds, vehicle registration papers and rates notices;
	3. Copies of any statements as to wage or salary income, including copies of 4 previous payslips (if applicable) and/or a current statement from Centrelink detailing the type and amount of any benefits received, as well as copies of any other documents showing other income such as commissions and royalties;
	4. Copies of any documents showing debts the Enforcement Debtor owes to someone else, or someone else owes to the Enforcement Debtor.

|  |  |
| --- | --- |
| APPLICATION | John Smith |
| Filed on Behalf of the Applicant | 1 Brisbane Road |
| Form 9, Version 1 | Brisbane QLD 4000 |
| Uniform Civil Procedure Rules 1999 | (07) 3232 0202 |
| Rule 31 | John.smith@gmail |

1. The Enforcement Debtor complete and return to the Enforcement Creditor a Statement of Financial Position in the approved form at least 4 business days before the date of the Enforcement Hearing
2. The Enforcement Debtor pay the Enforcement Creditor’s costs (if any) of the application.

This application will be heard by the Court at 363 George Street, Brisbane

on: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Filed in the Brisbane Registry on \_\_\_\_\_\_\_\_\_\_\_:

Registrar:

If you wish to oppose this application or to argue that any different order should be made, you must appear before the Court in person or by your lawyer and you shall be heard. If you do not appear at the hearing the orders sought may be made without further notice to you.

On the hearing of the Application the Applicant intends to rely on the following affidavits:

1. Affidavit of John Smith sworn 6 April 2022.

THE APPLICANT ESTIMATES THE HEARING SHOULD BE ALLOCATED 30 Minutes

Signed: *John Smith*

Description: John Smith

 Applicant/Enforcement Creditor

Dated: 6 April 2022

This application is to be served on:

Respondent/Enforcement Debtor

Sam Jones

1 Sunshine Road

Brisbane QLD 4000