Template 9: Blank Form 74 Statement Supporting Application for Enforcement Warrant or Instalment Order

**MAGISTRATES COURT OF QUEENSLAND**

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

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

**STATEMENT SUPPORTING APPLICATION FOR ENFORCEMENT WARRANT**

**Enforcement Creditor**: [Insert your name]

**Debtor :** [Insert Debtor’s name]

[Your full name] of [Your residential or business address, or place of employment], [Insert your occupation or other description], states on oath [or solemnly and sincerely affirms and declares]:

1. I am the enforcement creditor.
2. The enforcement creditor obtained a Money Order against the enforcement debtor in the Court on [insert date of Money Order] for an amount of $[Insert amount of Money Order].
3. [*If payments were made:*]The date and amount of each payment made under the order are as follows: [Insert details of payments made]
4. The costs incurred in previous enforcement proceedings in relation to the order debt are as follows: [Insert details of costs incurred]
5. [*If interest is owing:*] The interest due at the date of swearing this statement is $[Insert amount of interest due].
6. *[Insert any other details that are necessary to calculate the amount payable under the order at the date of swearing this statement and how the amount is calculated.]*
7. [*If daily interest will accrue after the date of swearing the Statement:*] The daily amount of interest that, subject to any future payment under the order, will accrue after the date of swearing this statement is $[Insert daily amount of interest].
8. *[Insert any other additional information necessary for the particular type of Enforcement Warrant or order being sought]*

|  |  |
| --- | --- |
| STATEMENT SUPPORTING  APPLICATION FOR ENFORCEMENT WARRANT | Name: |
| Filed on Behalf of the Applicant/Enforcement Creditor | Address: |
| Form 74, version 2 – approved on 25 August 2022 |  |
| Uniform Civil Procedure Rules 1999 | Phone No: |
| Rule 817 | Fax No: |
|  | Email: |

***[If the Statement extends over more than one page, at the foot of the first and every other page except the last:]***

Page 1

|  |  |
| --- | --- |
| …………………………………………..  Deponent | …………………………………………..  Witness |

***[At the end of the body of the Statement:]***

***[If this Statement is being sworn in accordance with the Oaths Act 1867 requirements before a special witness (either remotely and/or using electronic signature/s) DO NOT USE the contents below. INSTEAD use Form 001A Special Witness Jurat for Uniform Civil Procedure Rules 1999 forms.]***

|  |
| --- |
| **The contents of this affidavit are true, except where they are stated on the basis of information and belief, in which case they are true to the best of my knowledge.**  **I understand that a person who provides a false matter in an affidavit commits an offence.** |

|  |  |  |  |
| --- | --- | --- | --- |
| **SWORN / AFFIRMED** by    …………………………………….  [insert full name of deponent]  at……………………………….  [insert place where deponent is located] | )  )  )  )  )  )  )  ) | …………………………………….  [signature of deponent]  …………………………………….  [date] | |
| **BEFORE ME:**  …………………………………….  [insert full name of witness]  …………………………………….  [insert type of witness]1  …………………………………….  [insert witness’s place of employment]\*2  \**delete if not applicable* | )  )  )  )  )  )  )  )  )  )  )  ) | | ………………………………….  [signature of witness]  ………………………………….  [date] |

[who certifies that the affidavit was read in the presence of the deponent who seemed to understand it, and signified that that person made the affidavit. (*If required: see R. 433(1)].*

[who certifies that the affidavit was read in the presence of the deponent who seemed to understand it, and signified that that person made the affidavit, but was physically incapable of signing it. *(If required: see R.433(2)].*

*1 Insert the witness’s capacity that makes them eligible to witness the affidavit under s16A Oaths Act 1867. For example, lawyer, justice of the peace, commissioner for declarations*

*2 For example, the name of the law practice for the lawyer, the name of the government department of the government legal officer, the name of the law practice for a justice of the peace who witnesses documents for a law practice, etc*

Example 9: Form 74 Statement Supporting Application for Enforcement Warrant (Warrant for Redirection of Earnings)

**MAGISTRATES COURT OF QUEENSLAND**

REGISTRY: Brisbane

NUMBER: M100/22

Applicant: **JOHN SMITH**

AND

Respondent: **SAM JONES**

**STATEMENT SUPPORTING APPLICATION FOR ENFORCEMENT WARRANT**

Enforcement Creditor: **JOHN SMITH**

Debtor : **SAM JONES**

John Smith of 1 Sunshine Road, Brisbane QLD 4000, Labourer, states on oath:

1. I am the enforcement creditor.
2. The enforcement creditor obtained a Money Order against the enforcement debtor on 1 January 2022 in the Queensland and Administrative Tribunal (**QCAT**) for the amount of$10,000 plus interest. **Exhibit JS1** to this Statement is a copy of the QCAT decision.
3. On 1 March 2022, I registered the QCAT order at the Brisbane Magistrates Court. **Exhibit JS2** to this affidavit is a copy of the Magistrates Court document confirming the QCAT decision was registered.
4. To date, the enforcement debtor has not made any payments under the order.

Page 1

|  |  |
| --- | --- |
| *John Smith*  …………………………………………..  Deponent: John Smith | *Sally Sun*  …………………………………………..  Witness: Sally Sun |

|  |  |
| --- | --- |
| STATEMENT SUPPORTING  APPLICATION FOR ENFORCEMENT WARRANT | Name: John Smith |
| Filed on Behalf of the Applicant/Enforcement Creditor | Address: 1 Brisbane Road |
| Form 74, version 2 – approved on 25 August 2022 | Brisbane 4000 QLD |
| Uniform Civil Procedure Rules 1999 | Phone No: (07) 3232 0202 |
| Rule 817 | Fax No: N/A |
|  | Email: Johnsmith@gmail |

1. The costs incurred in previous enforcement proceedings in relation to the order debt are as follows:
   1. $130.00 paid to the Bailiff of the Magistrates Court on 11 April 2022 for service of Enforcement Hearing Summons on the enforcement debtor

**Exhibit JS3** to this affidavit is a copy of the receipt showing payment of the above amount to the Bailiff.

1. The interest due at the date of swearing this statement is $362.54. **Exhibit JS4** to this affidavit is a copy of the calculation of interest done via the Interest Calculator on the Queensland Courts website on 1 August 2022.
2. The total amount payable under the order as at the date of swearing this Statement is as follows:

|  |  |
| --- | --- |
| Amount of order | $10,000.00 |
| Costs of enforcement proceedings | $130.00 |
| Interest | $362.54 |
| **TOTAL** | **$10,492.54** |

1. The daily amount of interest that, subject to any future payment under the order, will accrue after the date of swearing this statement is $1.88, based on the order amount of $10,000, the current cash rate of 0.85% and current default rate of 6%.
2. On 11 May 2022, the enforcement debtor swore a Statement of Financial Position which stated that:
   1. The enforcement debtor has been employed by Big Box Store Pty Ltd as a full-time sales assistant since 1 March 2022;
   2. Big Box Store Pty Ltd’s address is 100 Commercial Road, Brisbane and the enforcement debtor receives $900 per week from that employment;
   3. The enforcement debtor also has $100,000 in a Commonwealth Bank savings account;
   4. The enforcement debtor does not have any other debts or liabilities; and
   5. The enforcement debtor does not have any dependants.

**Exhibit JS5** to this affidavit is a copy of the enforcement debtor’s Statement of Financial Position sworn on 11 May 2022.

Page 2

|  |  |
| --- | --- |
| *John Smith*  …………………………………………..  Deponent: John Smith | *Sally Sun*  …………………………………………..  Witness: Sally Sun |

1. On 18 July 2022, I wrote to Jane June, manager of Big Box Store Pty Ltd to confirm that the enforcement debtor is still employed by Big Box Store Pty Ltd. **Exhibit JS6** to this affidavit is a copy of the letter I sent to Jane June.
2. On 25 July 2022, I received a letter from Jane June stating that the enforcement debtor is still employed by Big Box Store Pty Ltd. **Exhibit JS7** to this affidavit is a copy of the letter I received from Jane June.

|  |
| --- |
| **The contents of this affidavit are true, except where they are stated on the basis of information and belief, in which case they are true to the best of my knowledge.**  **I understand that a person who provides a false matter in an affidavit commits an offence.** |

|  |  |  |  |
| --- | --- | --- | --- |
| **SWORN** by  John Smith  …………………………………….  [insert full name of deponent]  At Brisbane  [insert place where deponent is located] | )  )  )  )  )  )  )  ) | *John Smith*  …………………………………….  [signature of deponent]  1 August 2022  …………………………………….  [date] | |
| **BEFORE ME:**  Sally Sun  …………………………………….  [insert full name of witness]  Justice of Peace  [insert type of witness]1 | )  )  )  )  )  )  )  )  )  )  ) | | *Sally Sun*  ………………………………….  [signature of witness]  1 August 2022  ………………………………….  [date] |