

**NOTICE OF MOTION**  
**#OBJECTION TO INSTALMENT ORDER**  
**#OBJECTION TO ORDER REFUSING INSTALMENT APPLICATION**  
*Delete 'Objection to order refusing instalment application'*

**COURT DETAILS**

Court	Write 'Local Court'
#Division	Write 'Small Claims Division'
#List	Delete or leave blank
Registry	Write court where the statement of claim was filed
Case number	Write case number from the statement of claim

**TITLE OF PROCEEDINGS** This section should be completed with the same details as in the 'TITLE OF PROCEEDINGS' section of the statement of claim form

[First] plaintiff **[name]**

#Second plaintiff #Number of plaintiffs (if more than two)

[First] defendant **[name]**

#Second defendant #Number of defendants (if more than two)

**FILING DETAILS**

Person seeking orders **[name]** [role of party eg plaintiff] (**judgment [#creditor #debtor]**) Write your name, then 'plaintiff (judgment creditor)' (when you get a judgment in your favour,, you are known as the 'judgment creditor')

#Filed in relation to [eg plaintiff's claim, (number) cross-claim]  
[include only if form to be eFiled] Delete or leave blank

#Legal representative [solicitor on record] [firm] Delete or leave blank

#Legal representative reference [reference number] Delete or leave blank

Contact name and telephone [name] [telephone] Write your name and telephone number

Contact email [email address] Write your email address

**PERSON AFFECTED BY ORDERS SOUGHT**

**[name]** [role of party eg defendant] (**judgment [#debtor #creditor]**)

Write the judgment debtor's name, then 'defendant (judgment debtor)'

**HEARING DETAILS**

This motion is listed at [the time, date and place will be filled in by the court registry].

[on separate page]

## ORDERS SOUGHT

1 #The court rescind [leave the word 'rescind'](#) if you want the court to get rid of the [instalment order](#) or [vary](#) [leave the word 'vary'](#) if you want the court to change the amount or [frequency of the instalments](#) the instalment order allowing the judgment debtor to pay the judgment debt to the judgment creditor by instalments.

#The court set aside the order refusing the application by the judgment debtor to pay the judgment debt to the judgment creditor by instalments. [Delete](#)

2 #The judgment debtor pay the judgment debt to the judgment creditor by instalments on the following terms. [If you are happy for the judgment debtor to repay the judgment debt by instalments but you are not happy with the amount being paid or the frequency of the payments you can keep this order and fill out the table below.](#)  
[If you want the instalment order cancelled, delete this option.](#)

[Fill in table if you want the amount or frequency of instalments changed.](#)

Amount	<a href="#">\$ Write the instalment amount you want paid</a>
Frequency	<a href="#">[#weekly #fortnightly #monthly] Choose how often you want the instalment paid, and delete the rest</a>
First payment	<a href="#">[date] Write the date for first payment</a>

## SIGNATURE

#Signature of legal representative [Delete or leave blank](#)

#Signature of or on behalf of party if not legally represented [Sign in this space once you have completed the form](#)

Capacity [\[eg solicitor, authorised officer, role of party\] Write 'Plaintiff'](#)

Date of signature [Write the date you signed the form.](#)

## STAY OF PROCEEDINGS

These proceedings are [\[#stayed #not stayed\] delete one option](#) pending the determination of this application. [The court will decide whether the proceedings are stayed or not.](#)

Signature [Leave blank](#)

Capacity [Leave blank](#)

Date of signature [Leave blank](#)