

GARNISHEE ORDER FOR DEBTS

COURT DETAILS

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

GARNISHEE ORDER

Name of garnishee	Write the name of the defendant's bank, other financial institution or third party
Address of garnishee	Write the address of bank, other financial institution or third party
Judgment debtor	[name] [role of party] Write the name of the defendant (judgment debtor), then 'defendant'
Address of judgment debtor (if known)	Write the address of the judgment debtor

- 1 It is ordered that all debts that are due or accruing from the garnishee to the judgment debtor at the time of service of this order are attached to the extent of \$ write the total amount owed by judgment debtor. You calculate this by adding the amounts from sections 3, 4 and 5 of the affidavit section of the notice of motion - garnishee order [amount outstanding under judgment] to answer a judgment in these proceedings.
- 2 You are ordered to pay any amount so attached to the judgment creditor within 14 days after the date on which the order is served on the garnishee or, if the debt attached is a debt that falls due after that date, within 14 days after the date on which the debt becomes due.

NOTICE TO GARNISHEE

Please read the attached information sheet.

If you do not to comply with this garnishee order, the court may give judgment in favour of the judgment creditor against you for the amount of the debt or for the unpaid amount of the judgment debt, whichever is the lesser.

Details of debt[s] attached under garnishee order	[give details of debt(s) attached under garnishee order eg name of financial institution, branch number, account number or any other identifying information]
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You can get further information about this garnishee order from:

- A legal practitioner.
- LawAccess NSW on 1300 888 529 or at www.lawaccess.nsw.gov.au.
- The court registry for limited procedural information.

ISSUING DETAILS

Garnishee order made on	Leave blank. The court will complete these details.
Issued at	Leave blank
Signature	Leave blank
Capacity	Leave blank

JUDGMENT CREDITOR'S DETAILS

Name	Write your name		
Address for service	#[unit/level number]	#[building name]	
	[street number]	[street name]	[street type]
	[suburb/city]	[state/territory]	[postcode]
Telephone	Write your telephone number		
#Fax	Write your fax number		
Email	Write your email address		

Important information for the garnishee

Please read this notice and the garnishee order for debts very carefully.

Attached to this notice is a garnishee order for debts issued out of a New South Wales court.

The order requires you (**the garnishee**) to pay money you are holding on behalf of or owe to the judgment debtor to the judgment creditor in satisfaction of the judgment debt.

The garnishee order takes effect from when it is served on you.

Time within which payment to be made

Payment must be made to the judgment creditor within 14 days after the date of service of this order or, if the order attaches a debt that falls due after that date, within 14 days after the date on which the debt falls due.

Making payments

Payment must be made to the judgment creditor at the address specified in the garnishee order.

You are entitled to retain a maximum of \$13.00 to cover your expenses in complying with the garnishee order. Any amount that you retain for expenses does not operate to reduce the judgment debt.

Any amount paid under one or more garnishee orders must not, in total, reduce the amount of the aggregate debt that is due and accruing from the garnishee to the judgment debtor to less than the standard workers compensation weekly benefit (section 118A Civil Procedure Act 2005). This amount is adjustable – refer to the WorkCover NSW website <http://www.workcover.nsw.gov.au> to determine the applicable rate.

A payment to the judgment creditor must be accompanied by a statement showing:

- The amount attached under the garnishee order.
- How much of that amount has been retained by you for your expenses.
- How much of the amount has been paid to the judgment creditor.

What if there is no debt due or accruing?

If you believe that there is no debt payable by you to the judgment debtor at the time of service of this order you may serve a statement to that effect on the judgment creditor. The statement must be in the approved form and set out the reasons you believe that there is no debt payable. Approved forms are available from the UCPR website at www.ucprforms.justice.nsw.gov.au or at any NSW court registry.

Debts yet to accrue

If the garnishee order attaches a debt that is due for payment to the judgment debtor more than 28 days after service of this order on you, you must, within that period of 28 days, serve notice of that fact on the judgment creditor. The notice must specify the date on which the debt is, or is likely to be, due for payment to the judgment debtor and, if the amount of the debt is less than the unpaid amount of the judgment debt specified in the garnishee order, the amount of the debt.

Lien or claim of third person

If you claim that some person, other than the judgment debtor, is or may be entitled to any money paid under the garnishee order, any debt attached by the garnishee order or any charge, lien or other interest in any such money or debt, you may apply to the court to determine your claim.

When garnishee not obligated to pay amount to judgment creditor

A garnishee order does not operate to attach to a debt if the debt is an amount of less than \$20 standing to the credit of the judgment debtor in a financial institution.