

CHAPTER II

FORM 3C

AFFIDAVIT IN SUPPORT OF ENFORCEMENT

(Service and Execution of Process Act 1992)

IN THE MAGISTRATES' COURT
OF VICTORIA
AT

Court Number:

BETWEEN

Plaintiff

And

Defendant

Date of Document
Filed on behalf of:
Australian lawyer name:
Address:

Code:
Telephone:
Reference

I [name] _____
of [address] _____
in the State of _____ **MAKE OATH AND SAY**

- 1. I am *the plaintiff
* a solicitor in the firm of [name of firm]

_____ solicitors for the plaintiff, and I have the care and conduct of this matter and make this affidavit according to my information and belief.

- 2. Judgement was entered in the [name of court] _____
at [place] _____ in the State of [State] _____
on [date] _____. The terms of the judgment were that the defendant
pay the plaintiff the sum of \$[claim] _____ with \$[interest] _____
and \$[costs] _____

- 3. The nature of the proceedings was for [describe the nature of the proceedings/cause of action]

- 4. The amount of the judgement which is sought to be enforced is \$[amount] _____
And is the extent the judgment is capable of being enforced in the court of rendition.

- 5(a) The reasonable costs and expenses of and incidental to obtaining and lodging the copy of the
judgment are \$[amount] _____ being the sum paid to obtain a sealed copy of the
judgment and \$[amount] _____ being the cost of registering the judgement in
Victoria, making a total of \$[amount] _____

- 5(b) The costs and expenses reasonably incurred in attempting to execute the judgement in the court of rendition or in another state are – [set out details of the costs and expenses]

6. Pursuant to section [description] _____
of the [name of the relevant legislation] _____
interest is payable on the judgement from [date] _____
to the date of payment of the judgement
[describe the provisions of the legislation referred to which provides the basis of interest calculation]

7. At the date of judgement that applicable interest rate was [percentage figure] _____ %
On [date] _____ the interest rate *will be/was* varied to [percentage figure] _____ %.

8. At the date of swearing this affidavit, interest in the sum of \$[amount] _____
has accrued and is calculated as follows-

_____ to _____, _____ days @ _____ % = \$ _____
[date of judgment] [date] [number] [percentage figure]

[If relevant, provide additional calculations taking into account payments or variations interest rate e.g. –
[date] to [date], [number] days @ [percentage figure] % = \$ _____.]

Sworn/Declared at
In the State of
On
Before me:

* Delete if not applicable