

GARNISHEE ORDER FOR RENT

COURT DETAILS

Court

#Division

#List

Registry

Case number

TITLE OF PROCEEDINGS

[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

Address of garnishee

Judgment debtor **[name]** [role of party]

Address of judgment debtor
(if known)

Address of the property to
which rent relates

- 1 It is ordered that any rent for the land comprised in [title/folio numbers] being the land situated at and known as [address] (**the Property**) that is held in a trust account for the benefit of the judgment debtor (**Rent**) that is payable by the garnishee to the judgment debtor from the time of service of this order is attached to the extent of \$[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 Rent is received into the trust account until the amount of \$[amount outstanding under judgment] is paid or until the court otherwise orders.

NOTICE TO GARNISHEE

Please read the attached information sheet.

If you do not comply with this garnishee order the court may give judgment in favour of the judgment creditor against you for the amount of the Rent as defined in order 1 or for the unpaid amount of the judgment debt.

You can get further information about this garnishee order from:

- A legal practitioner.
- Law Access 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

Issued at

Signature

Capacity

JUDGMENT CREDITOR'S DETAILS

Name

Address for service

#[unit/level number]

#[building name]

[street number]

[street name]

[street type]

[suburb/city]

[state/territory]

[postcode]

Telephone

#Fax

Email

Important information for the garnishee

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

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

The order requires you (**the garnishee**) to make payments from any Rent as defined in order 1 that is payable by you 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 and will continue to operate until the judgment debt is paid unless the court otherwise orders.

Time within which payments to be made

Payments must be made within 14 days after the date on which the Rent is received into your trust account and is due to be paid to the judgment debtor.

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.

If a judgment debtor satisfies a court that rent attached by a garnishee order is the only source of income for the judgment debtor, any amount paid under one or more garnishee orders must not, in total, reduce the net weekly amount of any wage or salary received by the judgment debtor to less than the standard workers compensation weekly benefit (section 122E Civil Procedure Act 2005). This amount is adjustable – refer to the WorkCover NSW website www.workcover.nsw.gov.au to determine the applicable rate.

If the judgment debt becomes the subject of an instalment order, you are only required to pay the amount payable under the instalment order. You will no longer be able to retain an amount to cover your expenses.

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 (maximum \$13).
- How much of the amount has been paid to the judgment creditor.

What if there is no rent payable?

If you believe that no Rent will become payable by you to the judgment debtor 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 rent payable. Approved forms are available from the UCPR website at www.ucprforms.justice.nsw.gov.au or at any NSW court registry.

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 rent attached by the garnishee order or any charge, lien or other interest in any such money or rent, you may apply to the court to determine your claim.