

# Enforcement Warrant – Seizure & Sale of Property

Family Law Rules ~ RULE 20.16  
 Federal Circuit Court Rules ~ RULE 25B.22

**Please type or print clearly** and mark [X] all boxes that apply. Attach extra pages if you need more space to answer any question/s.

Filed in:

- Family Court of Australia
- Family Court of Western Australia
- Federal Circuit Court of Australia
- Other (specify) \_\_\_\_\_

Client ID \_\_\_\_\_

File number \_\_\_\_\_

Filed at \_\_\_\_\_

Filed on \_\_\_\_\_

This warrant is issued by the Court at the request of the applicant (payee) to enforce the respondent's obligation to pay money. The warrant must be signed, dated and sealed before it is enforceable. The warrant remains in force for 12 months from the date of issue.

## Notice to the respondent (payer)

After receiving this warrant you must not sell, transfer or otherwise deal with any property without a Court order.

A person affected by an enforcement warrant may serve a notice of claim on the enforcement officer and if necessary apply to the Court. See Division 20.3.2 of the *Family Law Rules* and 25B.33 of the *Federal Circuit Court Rules*.

## Part A About the parties

### 1 APPLICANT [PAYEE]

What is your family name as used now?

Given names?

### 2 What is your contact address (address for service) in Australia? If you give a lawyer's address, include the name of the law firm.

State	Postcode
Phone	Fax *
DX	
Lawyer's code	
Email *	

### RESPONDENT [PAYER]

Family name as used now

Given names

Respondent's address

State	Postcode
Phone	

\* Please do not include email or fax addresses unless you are willing to receive documents from the Court and other parties in that way.

If there is more than one applicant or respondent, attach extra page with the details for Applicant 2/ Respondent 2, answering Items 1 & 2.

## Part B About the obligation to pay money

3 The applicant (payee) is entitled to enforce an obligation to pay money against the respondent (payer) arising out of:

- an order** made by \_\_\_\_\_ on / / (date)
- an assessment** by the Department of Human Services (Child Support) made on / / (date)
- an agreement** between \_\_\_\_\_ and \_\_\_\_\_ made on / / (date)

4 The respondent's obligation to the applicant is as follows:

Amount owed	\$ _____	
Less any amounts paid	\$ _____	
Balance owing		\$ _____
Interest owing (if any)		\$ _____
Cost of application for enforcement warrant (Schedule 3 Part 4 of the Family Law Rules or in relation to proceedings in the Federal Circuit Court Schedule 1 of the Federal Circuit Court Rules)		\$ _____
<b>TOTAL AMOUNT OWED</b>		<b>\$ _____</b>

## Part C Notice to Marshal/Sheriff or Other Enforcement Officer

5 **To the Marshal/Sheriff or other Enforcement Officer**

**Take Notice:**

- You are directed to seize and sell such of the real or personal property (other than prescribed property) of the respondent (payer) as will satisfy the total amount owed and the fees and expenses of enforcing this warrant.
- You are to report in writing to this Registry concerning the enforcement of the warrant.
- You should refer to Part 20.3 and Rule 20.60 of the Family Law Rules and Subdivision 25B.2.3 and Rule 25B.68 of the Federal Circuit Court Rules.

6 The known property of the respondent is:

**Real property:**

Address: \_\_\_\_\_

Registered owner/s \_\_\_\_\_

Title reference \_\_\_\_\_

**Note:** If it is intended to enforce this warrant against real property it must first be registered on the Land Titles Register.

**Personal property:**


**Note:** Certain prescribed property cannot be attached under this warrant. This includes clothes, bed, bedding, kitchen furniture (not including an automatic dishwasher or microwave), a washing machine and ordinary tools of trade, plant and equipment, professional instruments and reference books, not exceeding the aggregate value of \$5000.

# Part D

## Signature [COURT USE ONLY]

Signature

Date

	/ /
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FOR REGISTRAR

This warrant was prepared by  applicant/s  lawyer

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PRINT NAME AND LAWYER'S CODE

Approved by Chief Justice pursuant to Rule 24.04(1) and Chief Judge pursuant to subrule 2.04(1A) for the purpose of Subrule 4.08(1) 0313 V1