

**Enforcement Creditor’s Instructions for Execution of Enforcement Warrant**

Court Registry at: File Number:

Enforcement Creditor:

Enforcement Debtor: DOB:

**TO:** The Registrar and Enforcement Officer of the Supreme/District/Magistrates (cross out as necessary) Court at:

The enforcement creditor provides the following instructions to assist in the execution of the warrant. Warrant type:

* **Enforcement Warrant for Seizure and Sale**
* **Enforcement Warrant for Possession of Land**
* **Enforcement Hearing Warrant**

1. The enforcement officer is requested to execute the warrant (tick one only):
   * At the next available date OR
   * On or after (date) (it may not be possible to execute a warrant on a specific date)

OR

* + Hold off the execution of the warrant until further instructions are provided.

1. The enforcement debtor can be located at:
2. The enforcement officer is requested to:
   * Make a demand for payment only – **COMPLETE PART E ONLY OR**
   * Take possession of land only (for a Warrant for Possession of Land) – **COMPLETE PARTS A AND E**

# OR

* + Make a demand for payment and where payment is not made, seize and sell real property (house/land) – **COMPLETE PARTS B, C AND E**

# AND/OR

* + Make a demand for payment and where payment is not made, seize and sell personal property (e.g., motor vehicles, machinery) – **COMPLETE PARTS B, D AND E**

# OR

* + Arrest enforcement debtor (only for an Enforcement Hearing Warrant) – **COMPLETE PART E ONLY**

# PART A

For an Enforcement Warrant for Possession of Land:

Security Deposit:

* + For Supreme and District Courts: A security deposit in the sum of $3,000 (or other amount as advised by the court registry or enforcement officer)

# PART B:

The location and description of any property or vehicles of the enforcement debtor are as follows:

|  |  |
| --- | --- |
| **Property Description**  (e.g. vehicle make, model and registration number,  real property description) | **Location Details**  (address) |
|  |  |
|  |  |
|  |  |
|  |  |

# PART C:

Searches that have been conducted. Attach copies and other supporting documents:

* + Current title search to ensure the registered owner/s are the same as the judgment debtor/s (no more than 4 weeks old)
  + An independent valuation of the property from a licensed valuer that is no more than 3 months old
  + Pictures of the property (outside photograph if internal photographs are not available) suitable for advertising purposes (photo size: 800 X 600 resolution, JPEG, 2MB maximum)
  + A description of the property (e.g., 4 bedroom, brick home, pool, single garage, etc.)
  + The payout figure of any mortgage/s:
    - one for each registered mortgage on the title deed
    - each payout figure is no more than 1 month old, and
    - the payout figures of any additional writs registered over the property
  + Amounts outstanding on the following (if available, please provide documentation):
    - rates
    - water
    - anticipated enforcement costs (relevant to Body Corporate claims incurred post judgment)
    - other
  + Documentation to show the warrant has been noted on title deed
  + Whether the property is vacant, tenanted or occupied by the enforcement debtor
  + Whether the enforcement debt relates to outstanding body corporate fees. Include the body corporate disclosure statement
  + Whether the property has a pool (yes, no, or don’t know). If the property has a pool, a copy of the current pool certificate must be supplied (if one exists) or a form 36 notice (no pool safety certificate notice)
  + If the enforcement creditor is the body corporate for the property’s community titles scheme and intends to claim recovery costs **as outlined in pleadings**, provide an estimate of anticipated costs incurred enforcing the judgment.
  + QCAT search results whether the property was subject of a tree dispute (include copies of any orders)

*The enforcement creditor will be required to provide final payout information from all registered mortgagees at the settlement date, being 60 days from the date of any auction.*

* + A security deposit in the sum of $3,500 (or other amount as advised by the court registry or enforcement officer).

*If you give instructions to hold off enforcement until the warrant is registered over a land title held by the enforcement debtor, the security deposit is not required to be paid until the warrant is registered against the title and you give instructions to sell the property.*

# PART D:

For motor vehicles, caravans, boats etc:

Searches that have been conducted. Attach copies and other supporting documents:

* + A current registration search, and
  + A Personal Property Securities Register (PPSR) search certificate, and
  + A security deposit in the sum of $3,500 (or other amount as advised by the court registry or enforcement officer).

Note: If the property is encumbered by a higher prioritised security interest than the creditor, the bailiff cannot execute the warrant to seize the property.

# PART E:

The enforcement officer should be aware of the following potential problems/risks or known safety issues to do with executing the warrant:

Further information that may assist with executing the warrant (e.g., the enforcement debtor works interstate and only returns home every fortnight):

**Contact details for the enforcement creditor**

Name:

Contact Number (business hours):

Contact Number (after hours):

Phone (business hours): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Phone (after hours): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Email:

Alternative contact person/agency (e.g. solicitor, agent managing the enforcement):

Signed: Date:

Enforcement Creditor/Solicitor/Agent

**PLEASE ATTACH ALL RELEVANT DOCUMENTS AND INFORMATION WHEN SENDING INSTRUCTIONS TO THE REGISTRY**

