

Memorandum to Legal Practitioners

Re: *Warrants of Seizure & Sale, Warrants of Possession and Warrants of Delivery*

The 'Memorandum to Practitioners' of 8 March 1989 is withdrawn.

The following procedure shall apply when filing warrants of execution in the Supreme Court of the Northern Territory on or after 13 March 2000.

Three copies of the warrant shall be filed at the Supreme Court Registry along with the prescribed filing fee (100 revenue units at 8.11.2006). Pursuant to Regulation 14 of the *Sheriff Regulations* an additional fee of \$176.00 (including GST) shall also be paid at the time of filing to cover execution fees and expenses. Separate cheques shall be lodged for the filing fees and execution fees and both shall be made payable to 'The Receiver of Territory Monies' or 'RTM'.

A supporting affidavit is to be prepared pursuant to Rule 68.04(3)(c) and will be served during execution of the warrant pursuant to Rule 68.04(4). Three copies of the affidavit are required.

After the warrant has been signed and sealed by the Registrar, the Supreme Court Registry will return one copy of the warrant to the party filing it for the purposes of registration against the Title, if necessary. One of the remaining copies will be retained on the Supreme Court file and the other copy will be forwarded to the Sheriff's Office for execution.

The party filing the warrant should also nominate a bailiff to execute the warrant. If no bailiff is nominated the Sheriff will appoint one.

The Sheriff may demand further fees during or after execution. Any fees not utilised will be refunded when the warrant is finalised.

The form of a warrant of seizure and sale is attached.

14 February 2000

Supreme Court Rules
FORM 68A

Rule 68.08

WARRANT OF SEIZURE AND SALE
(heading as in originating process)

TO THE SHERIFF

In respect of the judgment (or order) dated (eg. 20 June 20) by which it was adjudged (or ordered) that (judgment debtor) pay \$ A to (judgment creditor) together with costs, which have been taxed at \$ B , (or by which it was ordered that) (judgment debtor) pay certain costs to (judgment creditor), which have been taxed at \$, **LEVY ON THE PROPERTY** of (judgment debtor) which is authorised by law to be taken in execution for –

- (a) \$ C , being \$ A now due and payable exclusive of taxed costs and \$ B , for taxed costs; (or \$ for taxed costs);
- (b) \$ D, being interest at X per centum per annum, the rate for the time being fixed in accordance with law, on (amount due and payable exclusive of taxed costs A) from the date of the judgment (or order);
- (c) \$ E, being interest at X per centum per annum, the rate for the time being fixed in accordance with law, on (amount of taxed costs B) from 200 (date of taxation of costs);
- (d) \$ F , being the costs of this (and of any prior) warrant; and
- (e) your fees and expenses for this (and for any prior) warrant;

AND PAY the amount so levied other than your fees and expenses to (judgment creditor) or otherwise as the law requires **AND INDORSE** on this warrant immediately after you have performed all of your obligations under it a statement of the date, time and place at which you have executed or attempted to execute the warrant and the results of the execution and send a copy of the statement to (judgment creditor).

Issued

200

REGISTRAR

Issued at the request of (judgment creditor)

The last known address of (*judgment debtor*) is (*add if address is different*) and the address of the place where it is believed that property of (*judgment debtor*) may be found is (*address*).

- A** Judgment Debt (*including any pre-judgment interest if applicable*)
- B** Judgment Costs (*either taxed **or** not taxed - if applicable, see Order 63, Part 4 – Fixed costs*)
- C** **A + B**
- D** Interest* as calculated on **A**, from judgment date to date of swearing of accompanying affidavit
- E** Interest as calculated on **B**, from judgment date to date of swearing of accompanying affidavit (R68.04(c)(iii))
- F** Registry filing fee (*currently 100 revenue units*) on this (*and any prior*) warrant

(NOTE: THE COSTS OF PREPARING THE WARRANT AND AFFIDAVIT IN SUPPORT ARE NOT RECOVERABLE)

- X** Rule 59.02(3). This is a fixed rate irrespective of any pre-judgment interest rate.