Form 25

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| INVESTIGATION SUMMONS  **Magistrates Court of South Australia (Civil Division)**  [www.courts.sa.gov.au](http://www.courts.sa.gov.au) | | | | | | | | | Court Use  Date Filed | |
|  | | | | | | | | | | |
| Registry |  | | | | | | Action No |  | | |
| Address |  | | | | |  | |  | |  |
|  | *Street* | | | | | *Telephone* | | *Facsimile* | | *DX* |
|  |  | |  |  | | |  | | | |
|  | *City/Town/Suburb* | | *State* | *Postcode* | | | *Email Address* | | | |
| **JUDGMENT** including costs | | | $ | | | |
| BALANCE | | | $ | | | |
| Issue Fee | | | $ | | | |
| Service Fee | | | $ | | | |
| Solicitor’s Fee | | | $ | | | |
| Other | | | $ | | | |
| **TOTAL OWING**  (plus interest on balance from date of issue) | | | $ | | | |
| **Judgment Creditor** | | | | | | | | | | |
| Full Name |  | | | | | | | | | |
| Address  *(Registered Office, if Body Corporate)* |  | | | | |  | |  | |  |
|  | *Street* | | | | | *Telephone* | | *Facsimile* | | *DX* |
|  |  | |  |  | | |  | | | |
|  | *City/Town/Suburb* | | *State* | *Postcode* | | | *Email Address* | | | |
| **Judgment Debtor** | | | | | | | | | | |
| Full Name |  | | | | | | | | | |
| Address  *(Registered Office, if Body Corporate)* |  | | | | |  | |  | |  |
|  | *Street* | | | | | *Telephone* | | *Facsimile* | | *DX* |
|  |  | |  |  | | |  | | | |
|  | *City/Town/Suburb* | | *State* | *Postcode* | | | *Email Address* | | | |
| **TO THE JUDGMENT DEBTOR**  You must appear at theCourt at       on the       day of       20      at       am/pm to answer questions about how you will pay the above total owing.  **If you do not attend within 15 minutes of the appointed time and wait until your case is called you may be arrested.**  You are not able to dispute the debt at the above hearing. If the judgment is not a final judgment, you may apply to have the judgment set aside by using a Form 21. You will need to establish that you have an arguable case on the merits and a reasonable excuse for not having complied with the Court rules or an order of the Court. You may wish to seek legal advice about making such an application.  **Please complete the enclosed questionnaire and bring it to the hearing.** | | | | | | | | | | |
| Date MAGISTRATES COURT | | | | | | | | | | |

**AFFIDAVIT OF PROOF OF SERVICE**

|  |  |  |
| --- | --- | --- |
| I,       of | | |
| Occupation: |  | |
| MAKE OATH AND SAY I did personally serve a copy of this summons and Form 17 on the witness named herein at    on the       day of       20     , between the hours of       and | | |
| SWORN before me at  on the       day of       20  Signature  (Person authorised to take Affidavits)  (e.g. Justice of the Peace) | | SERVER |

|  |  |  |  |
| --- | --- | --- | --- |
| **PLEASE COMPLETE STATEMENT AND BRING TO COURT WITH PROOF OF INCOME**  (e.g. recent pay slip or Centrelink statement)  **You will be asked to swear that the information is correct and it may be shown to the creditor**  Court File No: | | | |
| **Family Name:** **Date of Birth :** | | | |
| **Other Names:** | | | |
| **Address:** | | | |
| **Phone Nos Home:       Work:       Mobile:** | | | |
| **Dependants:** | | | |
| **Bank where accounts held:** | | | |
| **Employer's name/address:** | | | |
|  | | | |
| **A INCOME $ per fortnight** | | **B EXPENSES $ per fortnight** | |
| Wage / Salary (after tax) |  | Rent / Board |  |
| Spouse income |  | Mortgage (home loan) |  |
| Income from Rent or Board |  | Food |  |
| Child Support |  | Household (groceries, cleaning, maintenance) |  |
| Self Employed |  | Health (medicine, chemist, health fund) |  |
| Investments/dividends |  | Clothing |  |
| Pensions, Benefits and |  | Children (nappies, formula, sport, child care etc.) |  |
| Allowances |  | Education (fees, books, uniforms etc) |  |
| Other: |  | Energy (electricity, gas, heating fuel etc) |  |
| Other: |  | Phone and internet |  |
|  |  | Rates (Council and SA Water) |  |
| **Total Income (A)** | **$** | Insurance (house, contents) |  |
|  | | Vehicle Expenses (petrol, registration, |  |
| **ASSETS AND LIABILITIES** | | insurance, repairs and maintenance) |  |
| **ASSETS:** Value of Asset | | Other transport (bus, taxi) |  |
| Real Estate | $ | Other (e.g. haircare, glasses, dentist, |  |
| Vehicle | $ | leisure, bank fees, emergency services levy) |  |
| Savings | $ | Judgment Debts |  |
| Other: | $ | Fines |  |
| Other: | $ | Car Loan |  |
| ***Total Assets*** | **$** | Credit Card |  |
| **LIABILITIES:** Balance owed on debts | |  |  |
| Judgment debts | $ | Other: |  |
| Fines (outstanding with Court) | $ | Other: |  |
| Mortgage | $ | **Total Expenses (B)** | **$** |
| Car loan | $ |  | |
| Credit Card | $ | **SUMMARY** | |
| Centrelink | $ | **TOTAL INCOME (A)** | **$** |
| Other: | $ | **minus TOTAL EXPENSES (B)** | **$** |
| Other: | $ |  |  |
| ***Total Liabilities*** | **$** | **BALANCE** | **$** |
| **I,**  by evidence on oath/affirmation swear the information on this form is true and correct.  Signature Date | | | |
| SWORN before me at  on the day of 20  Signature  (Authorised witness) | | | |

You have been summoned to attend court to establish how the attached debt can be paid based on your financial circumstances. It is important that you are well prepared before you attend court to give an accurate picture of your financial situation.

**FINANCIAL COUNSELLING SERVICES**

The Financial Counselling Service is a **FREE** and **CONFIDENTIAL** counselling and advisory service for people who are:

\* having trouble making ends meet

\* in debt or have high bills

\* faced with a sudden drop in income

\* behind in loan/credit repayments

\* unfairly or unjustly treated by traders or creditors

\* facing court action because of debts

\* considering bankruptcy

You will still have control of your money. Financial Counsellors will provide the skills and knowledge to help you to work out your money problems. However, the decision to follow the advice is yours.

Financial Counsellors can:

\* talk to your creditors about your debts

\* advocate for you if you have been treated unfairly

\* help you plan your finances

Financial Counsellors can give you information and advice on:

\* dealing with creditors

\* concessions and benefits

\* consumer rights

\* credit and debt issues

\* bankruptcy information

If you would like the services of a Financial Counsellor, please call **1800 007 007** and make an appointment with one of the financial counselling service agencies listed on the South Australian Financial Counselling Association’s website: <http://www.safca.org.au>