

**Form 57 – ORDER FOR POSSESSION OF PROPERTY WITH DIRECTION
FOR SUBSTITUTED SERVICE**

*[This form of order is to be used in lieu of Form 21 in the First Schedule Supreme Court Rules
in cases where the Court directs substituted service of the order]*

Judicial Officer(s): The Honourable Justice
His/Her Honour Judge
[Master of the Supreme Court]

Date of application:[DD/MM/YYYY]

Application made by:[Party]

Date(s) of hearing [if any]:[DD/MM/YYYY]

Date of order:[DD/MM/YYYY]

Appearances:Solicitor/Counsel for the Plaintiff(s)
.....Solicitor/Counsel for the Defendant(s)
.....Solicitor/Counsel for [Other Parties]

Recitals [if any]:

[By consent] **THE COURT ORDERS that:**

1. The [Defendant (s)] [Name (s)] give [(s)] the Plaintiff [(s)] possession within [number] days of the service of a copy of this order on [him/her/name] of the land subject to Memorandum of Mortgage, Registered No.[number], being:

- (1) Description of land - [Address]
- (2) Title Reference – Volume..... Folio.....

2. [Specify any other relief granted, pursuant to Rule 63.13]

3. The Plaintiff [(s)] recover from the said Defendant [(s)] the sum of \$AUD [Amount] for the costs of these proceedings [or "the costs of these proceedings to be taxed"].

4. [If appropriate]

If the said Defendant [(s)] pay (s) to the Plaintiff [(s)] all moneys secured by the above Memorandum of Mortgage, the Plaintiff [(s)] (subject and without prejudice to the due exercise of any power of sale under that security) is/are to re-deliver possession of the property to the said Defendant [(s)] and discharge the Memorandum of Mortgage.

5. In lieu of personal service of this order on [Party/Name], there be substituted service of it by affixing a copy of this order on the front door of the property situated at [Address], together with a letter addressed to that party explaining the effect of this paragraph.

6. Any party be at liberty to apply to the Court for the discharge or a variation of this Order.

[Other text, as appropriate]

[Fit for counsel, if appropriate]

NOTE: If the within named Defendant [(s)] [does/do] not give a possession of the land referred to in this Order by the time specified, all persons in possession of the land may be forcibly rejected from it by the Sheriff. *[This text may need to be modified to suit the circumstances of the case.]*

[Reproduction of Court Seal] This order is authenticated by.....
for Registrar

Computer File Reference.....