

<p>To be inserted by Court</p> <p>Case Number:</p> <p>Date Filed:</p> <p>FDN:</p>
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<p>Hearing Date and Time:</p> <p>Hearing Location:</p>
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ORIGINATING APPLICATION - FINES ENFORCEMENT - SEIZURE AND SALE OF ASSETS OPPOSITION AND RELEASE

[MAGISTRATES/YOUTH] COURT OF SOUTH AUSTRALIA
SPECIAL STATUTORY JURISDICTION

[FULL NAME]
Applicant

[FULL NAME]
Respondent

Duplicate panel if multiple Applicants

Applicant	Full Name		
Name of law firm/solicitor If any	Law Firm	Responsible Solicitor	
Address for service	Street Address (including unit or level number and name of property if required)		
	City/town/suburb	State	Postcode
	Country		
	Email address		
Phone Details	Type (eg. Home; work; mobile) – Number	Another number (optional)	

Duplicate panel if multiple Respondents

Respondent	Full Name		
Address	Street Address (including unit or level number and name of property if required)		
	City/town/suburb	State	Postcode
	Country		
	Email address		
Phone Details	Type (eg. Home; work; mobile) – Number		Another number (optional)

Application Details

Matter type: [Enter matter type]

This Application is to:

- oppose the seizure and sale of the assets. Select if section 36(15)
- release [a seized and clamped/impounded] vehicle. Select if section 42(6)

This Application is made under section [36(15)/42(6)] select one of the *Fines Enforcement and Debt Recovery Act 2017*.

The Applicant seeks the following orders:

Orders sought in separately numbered paragraphs.

- 1. Enter if section 42(6) selected above otherwise delete The vehicle specified in this Application be released to the Applicant.
- 2. optional if section 36(15) selected above Exclude the property specified in this Application from the sale.
- 3. optional if section 36(15) selected above Direct the Application of the proceeds of the property specified in this Application in the following manner: [Enter manner].
- 4. provision for multiple [Enter any other orders].

This Application is made on the grounds:

- set out in the accompanying Affidavit sworn by [name] on [date].
- that the property is not liable to [seizure and sale], select one as set out in the accompanying Affidavit.
- that the Applicant has an interest in the vehicle that has been [seized and clamped/impounded] select one as set out in the accompanying Affidavit.
- that the Applicant, not being the [debtor/alleged offender] select one has an interest in the property specified below seized, as set out in the accompanying Affidavit.

Complete if applicable otherwise delete

The Application is urgent because

Enter grounds in separately numbered paragraphs where more than one

1.

Property subject of the order sought

The property subject of the order sought is:

- (a) personal property (a vehicle).
- (b) real property, namely Certificate of Title Register Book Volume [Enter number] Folio [Enter number], situated at [Enter address].
- (c) personal property (electronics/whitegoods) select one.
- (d) personal property (other) [Enter description].

and was [seized/seized and clamped/impounded] on [date].

Must complete if vehicle selected above

Vehicle subject of the order sought

Registration number:
Number

Plate number:
Number

Garaging address:
Street: include unit or level number and/or name of property if necessary

City/town/suburb

State

Postcode

Make of vehicle: if known
Make

Model of vehicle: if known
Model

Year of manufacture: if known
Year

Engine number: if known
Engine

Vehicle identification number: if known
Number

mandatory if vehicle selected above

Registered owner of the vehicle

Full name:
Full name

Address:
street: include unit or level number and/or name of property if necessary

City/town/suburb

State

Postcode

Country:

Email address:
Email address

Telephone:
Phone number

Alternative phone number

Must complete if electronics selected above

Electronics/whitegoods subject of the order sought

Description:
Description

Serial number:
Serial number

Details of manufacture:
Brand

Model

Year of manufacture

To the Other Parties: WARNING

This Application will be considered at the hearing at the date and time set out at the top of this document.

If you wish to oppose the Application or make submissions about it:

- you must attend the hearing; and
- you must file and serve on all parties a Response within 14 days of the service of the Application; and
- if you wish to rely on any facts in addition to or contrary to those relied on by the party seeking the orders, you must file and serve on all parties an Affidavit within 14 days after service of the Application.

If you do not do so, the Court may proceed in your absence and orders may be made **finally determining** this proceeding without further warning.

For instructions on how to file a response to an application and how to obtain access to the file, visit <https://courtsa.courts.sa.gov.au/?g=node/482>.

Service

The party filing this document is required to serve it on all other parties in accordance with the Rules of Court.

Accompanying Documents

Accompanying this Application is a:

- Multilingual Notice mandatory
- Supporting Affidavit mandatory
- Notice to Respondent Served Interstate mandatory when address of party to be served is interstate
- Notice to Respondent Served in New Zealand mandatory when address of party to be served is in NZ
- Notice to Respondent Served outside Australia mandatory when address of party to be served is overseas & not in NZ
- If other additional document(s) please list below: