

<p><b>To be inserted by Court</b></p> <p>Case Number:</p> <p>Date Filed:</p> <p>FDN:</p>
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## ENFORCEABLE PAYMENT AGREEMENT

[*SUPREME/DISTRICT/MAGISTRATES*] Delete all but one COURT OF SOUTH AUSTRALIA CIVIL JURISDICTION

Please specify the Full Name including capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable) for each party. Each party should include a party number if more than one party of the same type.

First Applicant

First Respondent

Applicant	Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))		
Name of law firm / solicitor If any	Law Firm	Solicitor	
Address for service	Street Address (including unit or level number and name of property if required)		
	City/town/suburb	State	Postcode
	Country		
Phone Details	Email address		
	Type - Number		

Duplicate panel if multiple Applicants

Respondent	Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))		
Address	Street Address (including unit or level number and name of property if required)		
	City/town/suburb	State	Postcode
	Country		
Phone Details	Email address		
	Type - Number		

Duplicate panel if multiple Respondents

**Agreement**

Mark appropriate sections below with an 'x'

1. It is agreed between the parties that the Respondent owes the following sums of money to the Applicant:

Original sum owed	\$	
Interest (if any)	\$	
Filing fee (if Final Notice filed)	\$	
Other Costs (if any)	\$	
<b>TOTAL AMOUNT</b>	<b>\$</b>	which is the 'Agreed Sum'

Note: The Applicant is not entitled to any interest nor collection costs unless the Applicant has a prior agreement that the Respondent will pay them.

2. It is agreed that the Agreed Sum will be paid by instalments of \$[amount] per [ ] week [ ] fortnight [ ] month with the first payment due on day of 20 and thereafter on the [eg first, second, last] day of each [ ] week [ ] fortnight [ ] month.

Payments are to be made by/to:  
Specify method and place of payments

3. It is agreed that (not having already made an adverse report to a credit referencing agency) the Applicant will not make an adverse report to any credit referencing agency, nor take any steps to collect the Agreed Sum, for as long as the Respondent does not at any time fall into arrears by at least two instalments.

4. It is agreed that if the Respondent at any time falls into arrears by at least two instalments, then without further notice the Applicant is entitled to file a Claim in the Court. In that event, the Claim shall be for any part of the Agreed Sum that has not been paid at the time the Claim is filed plus the court filing fee and, if a solicitor is used, the lawyers' fee allowed on the court scale (in total called 'the Judgment Sum'). Upon service of that claim and proof of this agreement and of the failure to make two instalment payments, the Respondent IRREVOCABLY CONSENTS to the applicant obtaining SUMMARY JUDGMENT which is a final judgment against the Respondent for the Judgment Sum and will not raise any counter claim nor set off against it.

**To the Respondent: WARNING**

Do not sign this if you do not agree that you owe all of the Agreed Sum and that you have no counterclaim nor set off against it.

**Executed by the Applicant**

.....  
Signature/common seal of Applicant

.....  
Signature of witness

.....  
Printed name and address of witness

.....  
Date  
Duplicate signing panel if multiple Applicants

**Executed by the Respondent**

.....  
Signature/common seal of Applicant

.....  
Signature of witness

.....  
Printed name and address of witness

.....  
Date  
Duplicate signing panel if multiple Respondents