**Form 70**

Rule 912(2)

**PROVISIONAL GARNISHEE ORDER ATTACHING A DEBT**

**(INCORPORATING NOTICES TO DEBTOR AND GARNISHEE)**

[*Name*] Judgment Creditor

 [*Name*] Judgment Debtor

[*Name*] Garnishee

On the application of the judgment creditor and on reading the affidavit in support I ORDER that all debts owing or accruing due from [*name and address*], the garnishee, to the judgment debtor are attached to answer the sum remaining unpaid under a judgment [*or order*] recovered against the judgment debtor by the judgment creditor in the Supreme Court of Tasmania on [*date*], namely [*amount outstanding under the judgment or order, including costs and interest, if any*] together with [*amount*] for the costs of these garnishee proceedings, a total of $ .

Dated

Registrar [*or District Registrar*]

To the abovenamed garnishee and the abovenamed judgment debtor

**NOTICE TO GARNISHEE**

1. Service of this provisional garnishee order on you binds all debts owing or accruing due from you to the judgment debtor in your hands.

2. You must hold all debts owing or accruing due from you to the judgment debtor until this provisional garnishee order is made final or is discharged.

3. If, within 21 days after the service of this provisional garnishee order on you, you pay into Court the amount due from you to the judgment debtor, or an amount equal to the total amount outstanding under the judgment [*or order*] as set out above and the costs of the garnishee proceedings as set out above (whichever is the lesser), the order may be made final, and the amount so paid in ordered to be paid out to the judgment creditor.

4. If, within 21 days after the service of this provisional garnishee order upon you, you do not –

(a) pay into Court the amount due from you to the judgment debtor, or an amount equal to the amount outstanding under the judgment [*or order*] as set out above and the costs of the garnishee proceedings as set out above (whichever is the lesser); or

(b) file in the Court a notice disputing the debt due or claimed to be due from you to the debtor –

the order may be made final, and execution may issue against you for the said amount and costs without further order.

5. Where 2 or more garnishee orders in respect of a debt have been served on you –

(a) those orders have priority according to the order in which they were served on you; and

(b) the first to be served on you is to be satisfied in full before payment is made on any garnishee order which is later served on you.

**NOTICE TO JUDGMENT DEBTOR**

1. Within 21 days of the service of this provisional garnishee order on you, you may file a notice disputing the debt due or claimed to be due to you from the garnishee.

2. If you do not file such a notice, this provisional garnishee order may be made final.

3. Where 2 or more garnishee orders in respect of a debt have been served on a garnishee –

(a) those orders have priority according to the order in which they were served on the garnishee; and

(b) the first to be served on the garnishee is to be satisfied in full before payment is made by the garnishee on any garnishee order which is served later.