

NOTICE TO SHERIFF OF DISPUTED PROPERTY AND AFFIDAVIT VERIFYING

COURT DETAILS

Court

#Division

#List

Registry

Case number

TITLE OF PROCEEDINGS

[First] plaintiff [name]

#Second plaintiff #Number of
plaintiffs (if more than two)

[First] defendant [name]

#Second defendant #Number of
defendants (if more than two)

CLAIMANT'S DETAILS

Name

Address [residential]

Address for service #[unit/level number] #[building name]

[street number] [street name] [street type]

[suburb/city] [state/territory] [postcode]

Telephone

#Fax

Email [email address]

NOTICE TO SHERIFF

You have taken or indicated your intention to take possession of property under a writ of levy
of property against

[name of judgment debtor the writ was issued against].

I have a claim in respect of

#all

#some

of that property which I have set out in the affidavit below.

AFFIDAVIT

Name

Address

Occupation

Date

I [#say on oath #affirm]:

- 1 In relation to the property described below, which the Sheriff has taken possession of, or has indicated that he will take possession of, I have the following claim:

Description of property	
Nature of claim <i>(select one option)</i>	<ul style="list-style-type: none"><input type="radio"/> I claim the property itself<input type="radio"/> I claim the value of the property – I estimate the value of the property to be: \$<input type="radio"/> I claim the proceeds of sale of the property
The basis of my claim for ownership	<i>Explain the basis of your claim (eg whether you purchased the property or if it was a gift to you)</i>
The reason why the property was in the possession of the judgment debtor	<i>Explain how the property came to be in the possession of the judgment debtor</i>

[repeat where further property claimed on a different basis]

- 2 The property described above was not sold or given as a gift to the judgment debtor.

#SWORN #AFFIRMED at

Signature of deponent _____

Name of witness

Address of witness

Capacity of witness [Justice of the peace #Solicitor #Barrister #Commissioner
for affidavits #Notary public]

And as a witness, I certify the following matters concerning the person who made this affidavit (the **deponent**):

- 1 #I saw the face of the deponent. [OR, delete whichever option is inapplicable]
#I did not see the face of the deponent because the deponent was wearing a face covering, but I am satisfied that the deponent had a special justification for not removing the covering. 1
- 2 #I have known the deponent for at least 12 months. [OR, delete whichever option is inapplicable]
#I have confirmed the deponent's identity using the following identification document:

Identification document relied on (may be original or certified copy)²

Signature of witness _____

Note: The deponent and witness must sign each page of the affidavit. See UCPR 35.7B.

INFORMATION FOR PERSON MAKING CLAIM

Complete the relevant information and have the affidavit sworn before a JP or solicitor. Please provide 2 copies of this document to the Sheriff. The Sheriff will serve a copy on the judgment creditor. The judgment creditor may accept your claim or reject it (within 7 days). If the judgment creditor accepts your claim the Sheriff will withdraw from possession of the property. If the judgment creditor rejects your claim the Sheriff will apply to the Court for a determination in relation to your claim.

[¹ The only "special justification" for not removing a face covering is a legitimate medical reason (at April 2012).]

[² "Identification documents" include current driver licence, proof of age card, Medicare card, credit card, Centrelink pension card, Veterans Affairs entitlement card, student identity card, citizenship certificate, birth certificate, passport or see [Oaths Regulation 2011](#) or refer to the guidelines in the NSW Department of Attorney General and Justice's "[Justices of the Peace Handbook](#)" section 2.3 "Witnessing an affidavit" at the following address: <http://www.jp.nsw.gov.au/Documents/jp%20handbook%202014.pdf>