

Enforcement Procedure, time line and Costs.

1. Our preparation of the enforcement application – no cost - immediate
2. Solicitor signing off our enforcement application (order for examination) - \$256 which will be added to debt that is to be recovered from debtor – 3-4 weeks

However there are many reasons that should be said now that would mean that a recovery may not ever eventuate – bankruptcy, no asset procedure, they leave NZ, they die, they may not have been properly identified by you as real person, that it takes more than 6 years to locate and execute the following procedures (Statutes of Limitations means debts can only be collected within 6yrs) - among a few reasons

3. We take the application to a Registrar of the Court or Justice of the Peace for swearing the affidavits in support - (please note para's 2 & 3 can be interchanged depending on expediency and position with other applications we are preparing) – no cost – 2-3 weeks once there are sufficient numbers of applications
4. Now send the application to the Ministry of Justice Central Processing Unit in Wellington with \$90 Court filing fee
5. Waiting for the Court to get the application off the bottom of the pile they have and assign a date of hearing – 5-6 weeks in future.
6. Court issues an order for the examination of the debtor's means to a Court Collection officer (bailiff in the old terms) for personal service on debtor – time included in 4 above
7. The debtor personally appears at the hearing at which our contracted solicitor must appear – \$128 cost which is also added to debt to recover - usually 4-6 weeks from para 6 – see para 16 if debtor appears for the hearing. It should be noted 50% of debtors don't turn up.
8. If the debtor doesn't appear the solicitor reports back within 5-7 working days
9. Some solicitor's want us to prepare an application for a warrant to arrest the debtor – although most times this is applied for, by solicitor appearing.
10. If we have to prepare we wait for 2-3 weeks before submitting just in case the debtor makes a voluntary appearance
11. If the debtor doesn't make a voluntary appearance we have to prepare an application, send it to our solicitor for signing off and pay them \$128. 2-3 weeks wait
12. When we receive the application back, it is then posted to the Court where the original Court/Tribunal order was granted.
13. The Court submits the arrest warrant application to a Judge for, most times, rubber stamping of the warrant to arrest and in the mean time issues a warning letter to the debtor that a warrant to arrest is being applied for their arrest, which suggests they should make a voluntary appearance at the Court before they are arrested (or what us cynics say - gives them time to move from the address where they were served the order for their examination)
14. The Court then issues the warrant to arrest for a Court Collection's officer to execute and personally locate the debtor and take them into the Court – 3-4 weeks
15. If they have moved, as per my cynical comment in para 11, then they advise us to re-trace the debtor all over again!
16. However if the debtor is examined per para's 7 or 12, then an application will be made to take as much as reasonable from the net equity of debtor's weekly wages or benefit - normally known as attachment order – our contracted solicitor must attend - \$128 cost – which is added to debt to recover
17. The Court normally issues the attachment order to WINZ or the employer immediately where possible – no cost usually but if solicitor not able to attend due to other matters – we have to go through same procedure in para's 2-4 with \$80 Court filing fee and \$256 solicitor's preparation fee (not possible if debtor is self employed for example).

Our Option 2 covers all this - without further reference to you.

18. This is all well and good all the time the debtor stays on a benefit, and maintains his certificates of entitlement, or stays at the place of work where the attachment order is sent otherwise it all starts back at para 1 again.