District Court - Schedule C - Forms in civil proceedings

S.I. No. 17 of 2014

No. 47.03

Affidavit of debt (in proceedings to which the Consumer Credit Act 1995 or the European Communities (Consumer Credit Agreements) Regulations 2010 (S.I. 281 of 2010) apply)

*Schedule C
O.47, r.2*

District Court Area of

District No.

Record number:

Between

........ Claimant

........ Respondent

I,........ of........ aged 18 years and upwards MAKE OATH and say as follows:—

1. I am the claimant (or the —*state capacity in which deponent makes the affidavit and I am duly authorised to make this affidavit on behalf of the claimant*) in these civil proceedings. The facts herein stated are within my own knowledge save where otherwise appears and where so otherwise appears I believe the same to be true.

2. The claim notice herein claiming the sum of €........ was served on the \*(first named) respondent on the ........ day of ........ 20........ \*(and on the second named respondent on the ........ day of ........ 20........ ).

3. No appearance and defence to the claim notice has been received by the claimant or the solicitor for the claimant.

4. \*No sum whatever \*The sum of € ........ only/has been paid on foot of the claim herein since the service of the claim notice and the sum of €........ is now actually due and owing by the respondent to the claimant over and above all just credits, claims and allowances and no part thereof has been in any manner paid, satisfied or discharged.

5. The provisions of sections 57 and 58 of the Consumer Credit Act 1995 and of Parts 2 to 7 (so far as applicable) of the European Communities (Consumer Credit Agreements) Regulations 2010 (S.I. 281 of 2010) were complied with in respect of the transaction(s) to which these civil proceedings relate.

6. Value-added tax \*is/\*is not/payable by the claimant on the costs of the within proceedings (and any such value-added tax \*is/\*is not/recoverable by the claimant from the Revenue Commissioners).

[*insert additional averments as appropriate to the case*]

SWORN before me [name in capitals] at ........

in the County on the ...... day of ........ 20...,

by the said ........

\*[who is personally known to me]

\*[who is identified to me by ........ who is personally known to me]

\*[whose identity has been established to me before the taking of this affidavit by the production to me of

†passport no. ........ issued on the ...... day of ........ by the authorities of ........ , which is an authority recognised by the Irish Government

†national identity card no. ........ issued on the ...... day of ........ by the authorities of ........ which is an EU Member State, the Swiss Confederation or a Contracting Party to the EEA Agreement

†Aliens Passport no. ........ issued on the ...... day of ........ by the authorities of ........ which is an authority recognised by the Irish Government

†refugee travel document no. ........ issued on the ...... day of ........ by the Minister for Justice and Equality

† travel document (other than refugee travel document) ........ issued on the ...... day of ........ by the Minister for Justice and Equality]

........

Deponent

........

\*Commissioner for Oaths/ \*Practising Solicitor

CERTIFICATE

It is hereby certified as follows:—

That \*no sum whatever \*the sum of €........ only/has been paid on foot of the claim herein since the service of the claim notice herein and that the sum of € ....... is now actually due by the respondent to the claimant.

That no appearance and defence to this claim notice or notice requiring particulars of the claim notice has been received by the claimant or solicitor for the claimant.

Dated this...... day of ........ 20...

Signed: ........

\*(Solicitor for the) claimant

This affidavit is filed with the District Court Clerk at ........ on the ...... day of ........ 20... by ........ on behalf of the claimant who requests judgment for the sum of €........ and costs of €....... \*(and claims the recovery of value-added tax payable by the claimant on the said costs).

*\*Delete where inapplicable.*

*†Where relevant, select appropriate option and delete others.*