District Court - Schedule C - Forms in civil proceedings

S.I. No. 17 of 2014

No. 47.05

Judgment (decree) by default (in debt claims 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

IT APPEARING

1. that a claim notice for a debt or liquidated money demand was duly served on the respondent ........ of........ claiming €........

2. [*insert appropriate recital as set out below*]

3. that the respondent failed to serve and file an appearance and defence to the claim notice

4. that the provisions of the District Court Rules applicable to proceedings on the claim notice have been complied with,

AND IT FURTHER APPEARING by the affidavit of ........ \*(on behalf of) the claimant verifying the claim, sworn on the ...... day of ........ 20..., and the claimant’s request for judgment that the respondent is justly indebted to the claimant in the sum of €........

IT IS THEREFORE ORDERED AND DECREED that the claimant recover from the respondent the sum of €........ for debt, the sum of €........ for costs \*(and value-added tax)

AND all Sheriffs and County Registrars are hereby commanded to take in execution the goods of the respondent(s) to satisfy the said debt, costs \*(and value-added tax), and interest from the date hereof on the †debt (exclusive of the costs and tax) at the rate per annum for the time being standing specified in section 26 of the Debtors (Ireland) Act 1840.

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

Signed: ........

Judge of the District Court

Signed: ........

\*(Solicitor for the) Claimant

County of ........

I authorise and empower ........ of ........ and........ of........ . or either of them and their assistants to execute the above judgment (decree).

The sum to be levied hereunder is €........

Given under my hand this ...... day of ........ 20... County Registrar (Under-Sheriff) of ........ in said County

*\*Delete where inapplicable*

*† If the debt exceeds €190.46*

Examples of statement to be included at paragraph 2 above

*Hire-Purchase Agreement*

2. that the said claim is due by the \*(first named) respondent on foot of an (a)........ agreement in writing dated the ...... day of ........ 20... and made between the claimant of the one part and the \*(first named) respondent of the other part \*(and due by the second named respondent on foot of a contract of guarantee and/or indemnity in writing dated the ...... day of ........ 20... and made between the claimant of the one part and the second named respondent of the other part)

*Hire-Purchase Agreement which has been assigned to the claimant*

2. (1) that the said claim is due by the \*(first named) respondent on foot of a hire-purchase agreement in writing dated the ...... day of ........ 20... and made between [Insert name and address of the original owner] of the one part and the \*(first named) respondent of the other part \*(and due by the second named respondent on foot of a contract of guarantee and/or indemnity in writing dated the ...... day of ........ 20... and made between (a)........ of the one part and the second named respondent of the other part);

2(2) that by assignment dated the ...... day of ........ 20... the said (a)........ assigned his/her/their interest in the said hire-purchase agreement \*(and guarantee and/or indemnity) to the claimant; by notice dated the ...... day of ........ 20... the said respondent(s) was/were notified of the said assignment

*Credit-Sale Agreement*

2. that the said claim is due by the \*(first named) respondent on foot of a credit-sale agreement in writing dated the ...... day of ........ 20... and made between the claimant of the one part and the \*(first named) respondent of the other part \*(and due by the second named respondent on foot of a contract of guarantee and/or indemnity in writing dated the ...... day of ........ 20... and made between the claimant of the one part and the second named respondent of the other part)

*Credit Agreement*

2. that the said claim is due by the respondent on foot of a memorandum of contract in writing dated ...... day of ........ 20... and made between the claimant of the one part and the respondent of the other part

*Consumer-Hire Agreement*

2. that the said claim is due by the respondent on foot of a memorandum of contract in writing dated the ...... day of ........ 20..., and made between the claimant of the one part and the respondent of the other part