



# Enforcing Judgments Mendelsons Fixed Price Fully Inclusive Legal Solutions.

## South Australia

- ✓ Operates nationwide
- ✓ A leader in enforcement

- ✓ Value based pricing
- ✓ Focused on collecting money

### Enforcing Judgments

- Judgments are not self-enforcing
- In South Australia, the life of a judgment is 6 years.
- Interest runs at the current rate of 5% p.a. (subject to change but will always exceed bank deposit rates).
- The Mendelsons Fixed Price Fully Inclusive Legal Solutions covers all costs, including disbursements but is based on you providing a copy of the judgment and the information you provide being correct

### Investigation and Examination Summons

- The **Investigation Summons** is prepared by us, issued by the Court and served personally on the debtor.
- It compels the debtor to attend Court on a specified day and be questioned by a Magistrate as to why he hasn't paid and to review his financial situation and get him to commit to a payment agreement.
- If the debtor defaults, Mendelsons Lawyers will then do an **Examination Summons**.
- An application for an arrest order will be made if the debtor fails to turn up. The cost of this is included in the fee.
- In some cases, additional costs are awarded by the Court against the debtor.
- Many debtors will pay up to avoid the trauma of going to Court.
- The Court may make an Order to pay by instalments.

### Charging Real Estate

- To be used if the debtor owns real estate in South Australia.
- If the Judgment is over \$5,000.00, we recommend Bankruptcy. Accordingly, this should be used if the judgment is below \$5,000.00.
- This is a specific South Australian process, which involves a Court application to get an Order to lodge a charge over title to real estate and seek an Order for compulsory sale.
- If the debt is below \$6,000.00 then this step can only be taken after an Investigation Examination Summons.

### Warrant of Sale

- The Warrant is prepared by us, issued by the Court and sent to the Sheriff.
- The Sheriff will visit the debtor and seek payment or alternatively, seize goods owned by the debtor and sell them.
- Additional costs are awarded against the debtor.
- This procedure is effective only if the debtor owns goods which can be seized and which are of value.
- It is often effective if the debtor owns a business.

- It is a precondition that an Examination Summons be issued first, if the debt is below \$6,000.00.

## What Is The Cost?

All figures quoted are inclusive of:

- ✓ All legal costs
- ✓ Court issue fees
- ✓ Attendances, phone calls and correspondence
- ✓ Disbursements
- ✓ Bank fees
- ✓ Process serving fees (including all attempts and re-locates)
- ✓ GST

## FIXED-PRICE FULLY-INCLUSIVE COST

INVESTIGATION AND EXAMINATION SUMMONS	
TOTAL INCLUSIVE COST*	\$598.75
GST INCLUDED	\$49.75
WARRANT OF SALE	
TOTAL INCLUSIVE COST*	\$682.25
GST INCLUDED	\$49.75
CHARGING REAL ESTATE	
TOTAL INCLUSIVE COST*	\$1,076.90
GST INCLUDED	\$86.90

## How Much Money Will I Get Back?

All monies recovered from the debtor will be sent to you

## How do I proceed?



Simply complete and sign the Action Form (which acknowledges that you have been provided with the Engagement Agreement) and send, with payment to Mendelsons Lawyers.

Post: Mendelsons Lawyers  
Private Bag 6, Mitcham Vic 3132  
Fax: (03) 9872 4757

Call the Legal Team for further details on (03) 9872 7289 or send an email to [legal@mendelsons.com.au](mailto:legal@mendelsons.com.au)