

District Court - Schedule C - Forms in civil proceedings

S.I. No. 306 of 2013

No. 57.1

*SCHEDULE C*  
*O.57, r. 4(1)*

ENFORCEMENT OF COURT ORDERS ACT 1940, section 8

(as amended by Civil Law (Miscellaneous Provisions) Act 2011, section 63)

SUMMONS FOR ATTENDANCE OF MAINTENANCE DEBTOR

District Court Area of

District No.

.....of ..... Maintenance Creditor/Applicant

.... of ..... Maintenance Debtor/Defaulter

If you fail to attend in the District Court at the place and on the date given below, a warrant may be issued for you to be arrested and brought before the Court.

YOU ARE REQUIRED BY THIS SUMMONS to attend at the District Court at ... on the ..... day of .... 20.. at... a.m./p.m. to be examined as to your means and assets.

YOU ARE ALSO REQUIRED BY THIS SUMMONS at least one week before that date to complete the Statement of Means and Assets attached to this summons, detach it and lodge the completed Statement of Means and Assets, by delivering or sending it to the Clerk of the District Court at the address shown on the Statement of Means and Assets.

\*1. The above-named Maintenance Creditor, being the person entitled to the payments, claims that, by \*maintenance/\*variation/\*interim order (hereinafter the "original order") dated the ..... day of ..... 20...., made at the sitting of the \*High/\*Circuit/\*District Court at ..... you were ordered to pay to the Maintenance Creditor \*(the weekly sum of €...for her/his support) \*(and) \*(the weekly sum of €... for the support of ..... dependent children \*(of the family)) \*(together with the sum of €... for costs and expenses).

\*1. The above-named Applicant, being the person entitled to the payments, claims that, by maintenance order made on the ..... day of ... 20.... by ‡ ..... you were ordered to pay to the Maintenance Creditor the weekly sum of €... \*(together with the sum of €... for costs and expenses). On the .... day of ..... 20...., the Master of the High Court made an enforcement order in respect of that maintenance order (and the said maintenance order as ordered to be enforced is hereinafter referred to as the "original order").

\*1. The above-named Applicant, being the person entitled to the payments, claims that, by a decision referred to in Article 17.1 of Council Regulation (EC) 4/2009 of 18 December 2008 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations made on the ... day of ..... 20.... by ‡.....you were ordered to pay to the Maintenance Creditor the weekly sum of €....\*(together with the sum of €... for costs and expenses) (and the said decision is hereinafter referred to as the “original order”).

2. The Maintenance Creditor claims that the monetary amounts directed to be paid by the original order have not been duly paid, and there is now in arrear:

€..., being the amount of .....weekly payments, which have become due and payable

\*€.... for costs and expenses, making

€... in total

3. By application in writing dated the ..... day of ..... 20...., the above-named Applicant, being the person entitled to the payments applied to the undersigned District Court Clerk for the issue of a summons directed to the above-named defaulter requiring the defaulter to attend before the District Court for the purposes of section 8 of the said Act.

TAKE NOTICE that on the hearing of this summons:

(1) you may be examined on oath by or on behalf of the applicant;

(2) having heard evidence as to the amount outstanding and as to your means and assets, the Judge may make such order as to the payment, collection or recovery of the amounts outstanding as to the Judge seems fair and reasonable.

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

Signed.....

District Court Clerk

To ..... of ..... the above named maintenance debtor

*\*Delete where inapplicable*

*‡State Court which made order*