

ENFORCEABLE PAYMENT AGREEMENT

Magistrates Court of South Australia (Civil Division)

www.courts.sa.gov.au

Debtor																
Full Name																
Address <small>(Registered Office, if Body Corporate)</small>	Street	Telephone	Facsimile	DX												
	City/Town/Suburb	State	Postcode	Email Address												
Creditor																
Full Name																
Address <small>(Registered Office, if Body Corporate)</small>	Street	Telephone	Facsimile	DX												
	City/Town/Suburb	State	Postcode	Email Address												
<p>I, the Debtor acknowledge that I owe the following sums of money to the Creditor:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">Original sum owed</td> <td style="width: 10%;">\$</td> <td style="width: 30%;"></td> </tr> <tr> <td>Interest (if any)</td> <td>\$</td> <td></td> </tr> <tr> <td>Costs (if any)</td> <td>\$</td> <td></td> </tr> <tr> <td>TOTAL</td> <td>\$</td> <td>called the Agreed Sum.</td> </tr> </table> <p>Note: the creditor is not entitled to any interest nor collection costs unless it has an agreement that the debtor will pay them. Costs for filing a court claim can only be recovered if 21 days prior notice of the claim was given.</p>					Original sum owed	\$		Interest (if any)	\$		Costs (if any)	\$		TOTAL	\$	called the Agreed Sum .
Original sum owed	\$															
Interest (if any)	\$															
Costs (if any)	\$															
TOTAL	\$	called the Agreed Sum .														
<p>The Agreed Sum will be paid by instalments of \$ _____ per <input type="checkbox"/> week <input type="checkbox"/> fortnight <input type="checkbox"/> month with the first payment due on the _____ day of _____ 20____ and thereafter on the _____</p> <p>Payments are to be made by/to: <i>(specify method and place of payments)</i></p>																
<p>The creditor has not made an adverse report to any credit referencing agency and shall not do so, nor take any steps to collect the Agreed Sum for as long as the debtor does not at any time fall into arrears by two instalments.</p> <p>In consideration of the creditor not requiring immediate payment of the Agreed Sum in full the debtor agrees that if the debtor at any time falls into arrears by two instalments, then without prior notice the creditor is entitled to file a claim at the Magistrates Court for such of the Agreed Sum which is at that time unpaid plus the court filing fee and if a solicitor is used the lawyers' fee allowed on the court scale (in total called the Judgment Sum). Upon service of that claim and proof of this agreement and of the failure to make two instalment payments the debtor irrevocably consents to the creditor obtaining a summary judgment which is a final judgment against the debtor for the Judgment Sum and will not raise any counter claim nor set off against it.</p>																
<p>Do not sign this if you do not agree that you owe all of the Agreed Sum and that you have no counter claim nor set off against it.</p>																
..... DEBTOR	 WITNESS	 Date												
Witness Name																
Address	Street	City/Town/Suburb	State	Postcode												
..... CREDITOR	 WITNESS	 Date												
Witness Name																
Address	Street	City/Town/Suburb	State	Postcode												