

Common Questions

Seeking Judgment in the Office - Dublin Circuit Court only.

What are the documents required for a Judgment set?

1. Original Sealed Civil Bill. (€5 Stamp Duty)
2. Declaration and Endorsement of Service. (Include proof of posting)
3. Affidavit of Debt.
4. Certificate of No Appearance OR Affidavit of No Defence.
5. Request for Judgement in Default of Appearance OR Defence (€75 Stamp Duty).
6. Judgement in Default of Appearance or Defence.
7. Request for Execution Order.
8. Execution Order. (to include completed Endorsement and current Schedule of Sheriff's Fees -November 2005)
9. Letter waiving Courts Act interest if same was claimed in the Civil Bill.
10. Memorandum of Registry of Judgement (€10 stamp duty - submit in duplicate) if required.
11. Notice of Intention to Proceed with Affidavit of Service (where applicable ie, if Civil Bill has been served over one year ago)

What must a Civil Bill contain in order to obtain judgment?

- Civil Bill must show jurisdiction on its face
- Civil Bill must plead that the contract was made or debt due etc **within past six years**
- Six day costs to be stated, currently €278.85 allowing for increased stamp duty and including vat
- Stamp duty €5.
- Civil Bill must be served within 1 year of being issued.

What is required in the Endorsement and Statutory Declaration of Service?

- Particulars of service must be endorsed on original Civil Bill within 3 days of service
- Acts to be quoted eg. Statutory Declarations Act 1938, and the Courts Act 1964 and 1971 (registered post) or Companies Act 1963 (on registered office of a company) as appropriate.
- Where service effected under the Courts Act 1964, the declaration must state that particulars of service were endorsed within 3 days of service
- Residence/business/registered office – state which applies
- Proof of posting required and it should be initialled by the deponent. Practitioners can submit the standard declaration form exhibiting a print-out of the tracking number issued by An Post OR a certificate of Postage OR an extract from the Postal Registration Book OR a Registration Slip.

When is a notice of intention to proceed required?

- Should be served where over 12 months has elapsed from the last pleading. Service by way of registered post unless otherwise provided. Declaration of service required.

What are the vital components in an affidavit of Debt?

- Affidavits must state whether vat payable and recoverable/not recoverable or not payable as case may be.
- Affidavits must specify what amount has been paid if any and swear positively that the debt for which judgement is sought **is actually due and owing** at the date of swearing.
- Courts Act Interest should be waived for purpose of obtaining judgement in the Office (this can be done in letter or in the Affidavit of Debt).
- Contractual interest claimed should be brought up to date or waived.
- If interest under EC (Late Payment in Commercial Transactions) Regulations 2002 has been claimed for in the Civil Bill then it should be brought up to date or waived. The affidavit should also address the requirements in Regulation 4 (4) see S.I. 388 of 2002
- Foreign currency claims must include letter from bank converting the amount due to euros as of the date of swearing the affidavit of debt.
- In the case of guarantees, lease arrangements and HP agreements, certified copies should be exhibited with Affidavits of Debt.
- Affidavits of Debt must be lodged in the Circuit Court Office within 28 days of being sworn.
- Date and sign all exhibits

What is required of the other documents in a Judgment set?

- The Certificate of No Appearance is signed and dated by County Registrar.
- An affidavit of no defence is required where an appearance is entered – may be dealt with in affidavit of debt or sworn separately. A Certificate of no Defence does not apply.
- All request documents must be signed and dated by Solicitor for Plaintiff.
- The Execution Order must have a copy of the Sheriffs Fees and Expenses Order 2005 attached and an Endorsement of Execution Order must be completed.

What is required to issue an Execution Order following a Court Decree?

- Request form (with €10 stamp duty).
- Court Order
- Certificate that no payments have been made since the date of the Court Order.
- If payments have been made an Affidavit stating how much has been paid and the balance currently due and owing (with €10 stamp duty.)

- Execution Order and Schedule of Sheriffs Fees 2005.
- Memorandum of Registry of Judgement (if required) with €10 stamp duty on original only and submitted in duplicate.

What is required when seeking a renewal of an Execution Order?

- Request for Renewal of Execution Order stamped with €10.
- Grounding affidavit - see Order 36 r 14 of Circuit Court Rules (with €10 stamp duty).
- Original Execution Order.

What is required when submitting a memorandum of Registry of a Judgment?

- Memorandum submitted in duplicate (€10 stamp duty required on original only)
- One memorandum is required for each person affected.

What is required to register a Judgment as a Mortgage?

- Affidavit to Register Judgment as a Mortgage is submitted in duplicate (€10 stamp duty required on original only.)

What is required to enter Satisfaction?

- Satisfaction Piece – Affidavit and Requisition to enter Satisfaction of Judgment (€10 stamp)
- Memorandum of Satisfaction of a Judgement submitted in duplicate (€10 stamp duty required on original only.)
- Certificate of Satisfaction is issued by the Circuit Court only where required by Registrar of Titles. Submit in duplicate (€10 stamp duty required on original only.)

Applications for judgement in Dublin Circuit Court Office pursuant to Order 26 of Circuit Court Rules 2001- liquidated sums.

This document has been prepared as an aid to practitioners. It is not exhaustive and regard should be had to the Circuit Court Rules 2001 and relevant legislation.

Dublin Circuit Court – issued July 2006