

Form 1B: ENFORCEABLE PAYMENT AGREEMENT

I/We (full name of **debtor**) _____
of (address) _____

acknowledge that I/we owe the following sums of money to
(full name of **creditor**) _____
of (address) _____

Original sum owed \$ _____
Interest (if any) \$ _____
Costs (if any) \$ _____
Total \$ _____ called the **Agreed Sum**

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.

The **Agreed Sum will be paid by** instalments of \$_____ per week/fortnight/month
(delete as appropriate) with the first payment due on the _____ day of _____ 200____
and thereafter on the _____.

Payments are to made by/to (specify method and place of payments)

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.

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.**

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.

Signed by the debtor _____

Witness _____ (Name and address of witness)

Date _____

Signed by the creditor or its duly authorised agent _____

Witness _____ (Name and address of witness)

Date _____