Keyhouse

Debt Collection — High Court Workflow



DEBT COLLECTION — HIGH COURT WORKFLOW

Action	Action Description	Documents	Next
DBH01	Take Instructions	DBH01A – Initial Letter to Client	DBH02 - 1 Days
DBH02	Issue formal Demand to Debtor	DBH01B – Seven day Warning Letter to Debtor	DBH03 - 7 Days
DBH03	Issue Proceedings	DBH03A – Summary Summons	DBH04 - 4 Days
DBH04	Serve Proceedings	DBH04A – Letter to Summons Server encl Summary Summons and Affidavit of Service DBH04B – Affidavit of personal service of Summary Summons DBH04C – Letter to Defendant company serving Summons DBH04D – Affidavit of service on company by post	DBH34 - 14 Days
DBH34	Check whether Appearance received		DBH05 - 0 Now DBH35 - 1 Months
DBH05	Prepare Affidavit of Debt	DBH05A – Affidavit of Debt DBH05B – Letter to Client encl Affidavit of Debt to be sworn	DBH06 - 7 Days DBH07 - 7 Days
DBH06	Mark Judgment in Central Office	DBH06A – Judgment in default of Appearance	DBH11 - 7 Days
DBH35	Check whether Defence filed		DBH07 - 0 Now DBH35 - 28 Days
DBH07	Prepare Motion and send Grounding Affidavit to Client	DBH07A – Notice of Motion for liberty to enter final Judgment DBH07B – Letter to Client encl Grounding Affidavit to be sworn	DBH36 - 21 Days
DBH36	Issue Motion for liberty to enter final Judgment		DBH08 - 7 Days
DBH08	Serve Motion on Defendant and Brief Counsel	DBH08A – Letter to Solicitor serving Notice of Motion DBH08B – Letter to Counsel encl Brief on Motion DBH08C – Brief to Counsel Motion for Liberty to enter final Judgment	
DBH10	Hearing of Motion for Judgment		

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[DATE:Today]

Private & Confidential

[CNT:Name] [CNT:Address]

RE: [CNT:Name] -v- [CAN:Name.Debtor#01]

Dear [CNT:Salut],

I refer to the above matter and acknowledge receipt of your instructions in relation to same. I enclose herewith copy of a letter which has now been sent to the Defendant. I have drafted proceedings and, provided no response is received, will issue same on the expiry of the seven days.

I will keep you advised in the matter.

Kind regards,

Yours sincerely,

[MAT:FeName] [SYS:CON:NAME] [MAT:FeEmail]

[DATE:Today]

[CAN:Name.Debtor#01] [CAN:Address.Debtor#01]

RE: [CNT:Name] -v- [CAN:Name.Debtor#01]

[SYS:UpdateMatter()]

Dear Sir,

We act for [CNT:Name] of [CNT:LinearAddress]. We are instructed by our client that there is a sum of \in [MAT:OriginalDebt] due to them on foot of invoices raised, full particulars whereof have already been furnished to you.

We are now instructed, unless this amount is paid within seven days from the date hereof, to issue Court proceedings against your company for recovery of this amount. In the event that we have to take this action, [CAN:Name.Debtor#01] will be responsible not only for the debt but also for interest thereon, and for the costs of the Court proceedings.

If you wish to avoid this action, please contact us by return with arrangements to discharge the sum due.

Yours faithfully,

[SYS:CON:NAME] [MAT:FeEmail] 0.1, r.3

Between

SUMMARY SUMMONS

THE HIGH COURT

2014 No.

[CNT:Name]

and

[CAN:Name.Debtor#01]

Defendant

Plaintiff

To the defendant [CAN:Name.Debtor#01] of [CAN:LinAddressNoCo.Debtor#01] [CAN:AddressCounty.Debtor#01]

This summary summons is to require that within eight days after the service thereof upon you (exclusive of the day of such service) you in person or by solicitor do enter an appearance in the Central Office, Four Courts, Dublin, in the above action; and TAKE NOTICE that, if you do enter such appearance, due notice of the day and hour of the hearing of this summons will be delivered at the address for service named in the memorandum of appearance, but if you do not enter such appearance, the plaintiff may proceed in the said action, and judgment therein be given in your absence without further notice.

BY ORDER, THE HONOURABLE Susan Denham, Chief Justice of Ireland,

the day of two thousand and fourteen

N.B. This summons is to be served within twelve calendar months from the date thereof, or, if renewed, within six calendar months from the date of the last renewal, including the day of such date, and not afterwards.

The defendant may appear hereto by entering an appearance either personally or by solicitor at the Central Office, Four Courts, Dublin.

SPECIAL INDORSEMENT OF CLAIM.

1. The Plaintiff is a limited liability company having its registered office at [CNT:LinearAddress].

2. The Defendant is a [CAN:Occupation.Debtor#01] of/having its registered office at [CAN:LinearAddress.Debtor#01].

3. The Plaintiff's claim is to recover against the Defendant the sum of €[MAT:OriginalDebt] due and owing by the Defendant to the Plaintiff on foot of services provided by the Plaintiff to the Defendant and for invoices furnished by the Plaintiff to the Defendant at the Defendant's request between ______ and _____, detailed particulars of which have already been furnished to the Defendant.

4. The Plaintiff's claim arose within the past six years. The Plaintiff claims the sum of \in [MAT:OriginalDebt] from the Defendant and the Plaintiff further claims costs and interest pursuant to the Courts Act, 1981.

and upon payment of €[MAT:OriginalDebt] for demand and €195 for costs within six days after service further proceedings will be stayed.

Signed_

Solicitor for the Plaintiff

This summons was issued by [SYS:CON:Name] whose registered place of business is [DIA:SingleAddress] solicitors for the plaintiff who resides at [CNT:LinearAddress] and is a/an [CNT:Occupation]

	was served by me at [CAN:Name.Debtor#01] on	day the	day of	2014
Indorsed the	day of	2014		
Signed				
Address				

THE HIGH COURT 2014 No.

Between

[CNT:Name]

Plaintiff

and

[CAN:Name.Debtor#01]

Defendant

SUMMARY SUMMONS

[SYS:CON:Name] Solicitors for the Plaintiff [DIA:Address]

[DATE:Today]

[CAN:Name.SServer#01] [CAN:Address.SServer#01]

Re: The High Court [CSM:CsPlaintNo] [CNT:Name] v. [CAN:Name.Debtor#@&]

Dear [CAN:Salutation.SServer#01]

We act for [CNT:Name], the plaintiff in this action. We enclose original and copy Summary Summons issued on [UDF:CivilBillIssueDate] and shall be obliged if you will effect service on the defendant. Please then endorse service on the original Summons within three days of service and return the original so endorsed and the completed Affidavit of Service to us, together with a note of your fee, in due course.

We look forward to hearing from you and thank you for your assistance.

Yours sincerely

[SYS:CON:Name] [MAT:FeEmail]

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THE HIGH COURT

[CSM:CsPlaintNo]

BETWEEN

[CNT:Name]

Plaintiff

AND

[CAN:Name.Debtor#@&]

Defendant

AFFIDAVIT OF PERSONAL SERVICE

I, [CAN:Name.SServer#01] of [CAN:LinAddressNoCo.SServer#01] [CAN:AddressCounty.SServer#01], a [CAN:Occupation.SServer#01] aged 18 years and upwards make Oath and say: **1.** THAT I did on the day of Two thousand and fourteen at in the County/City of personally serve the above named Defendant by delivering unto and leaving with a true Copy of the Summons in this Action issued under the Seal of The High Court and dated the [SYS:day(UDF('CivilBillIssueDate'))] day of [SYS:sub(format(UDF('CivilBillIssueDate'), '@d18'), 4, 13)] and marked [CSM:CsPlaintNo] upon which said Summons and Copy the required Memorandum and Indorsements were duly subscribed and made. 2. THAT at the time of such service I was acquainted with the appearance of said Defendant to whom I showed the Original of said Copy. **3.** AND I further say that I did afterwards on day, the day of 2014 (being within three days after the service aforesaid) indorse on the said Summons the day of the Week and Month of such service. Sworn before me this dav of two thousand and fourteen at in the County of

a Commissioner for Oaths/ Practising Solicitor and I know the Deponent

COMMISSIONER FOR OATHS/ PRACTISING SOLICITOR

[CSM:CsPlaintNo]

[CNT:Name]

Plaintiff

and

[CAN:Name.Debtor#@&]

Defendant

AFFIDAVIT OF PERSONAL SERVICE

[SYS:CON:Name] Solicitors for the Plaintiff [DIA:Address]

[DATE:Today]

The Secretary [CAN:Name.Debtor#??] [CAN:Address.Debtor#??]

Re: The High Court [CSM:CsPlaintNo] [CNT:Name] v. [CAN:Name.Debtor#@&]

Dear Sir/Madam

We enclose a true copy of the Summary Summons in these proceedings by way of service on [CAN:Name.Debtor#??]

Yours faithfully

[SYS:CON:Name] [MAT:FeEmail]

BETWEEN

[CNT:Name]

Plaintiff

AND

[CAN:Name.Debtor#@&]

Defendant

AFFIDAVIT OF SERVICE

I, [HAN:CaName] of [SYS:CON:Name], [DIA:SingleAddress], a [UDF:ServiceAffDesc] aged 18 years and upwards make Oath and say:

1. THAT I did on the
in the County/City ofday ofTwo thousand and fourteen at
serve on the above named Defendant by pre-paid
ordinary/registered post at its registered office a true Copy of the Summons in this Action issued <u>under
the Seal of The High Court</u> and dated the [SYS:day(UDF('CivilBillIssueDate'))] day of
[SYS:sub(format(UDF('CivilBillIssueDate'), '@d18'), 4, 13)] and marked [CSM:CsPlaintNo] upon which
said Summons and Copy the required Memorandum and Indorsements were duly subscribed and made.2. THAT the documents have not been returned by the Postal Authorities marked undelivered. I beg to
refer to the certificate of postage attached hereto.3. AND I further say that I did afterwards on
2014 (being within three days after the service aforesaid) indorse on the said Summons the day of the

Week and Month of such service.

Sworn before me this day of two thousand and fourteen at

in the County of a Commissioner for Oaths/ Practising Solicitor and I know the Deponent

COMMISSIONER FOR OATHS/ PRACTISING SOLICITOR

[CSM:CsPlaintNo]

[CNT:Name]

Plaintiff

and

[CAN:Name.Debtor#@&]

Defendant

AFFIDAVIT OF SERVICE

[SYS:CON:Name] Solicitors for the Plaintiff [DIA:Address]

[CSM:CsPlaintNo]

BETWEEN:

[CNT:Name]

Plaintiff

-and-

[CAN:Name.Debtor#@&]

Defendant

AFFIDAVIT OF DEBT

I, [CAN:Name.Deponent#01], [CAN:Occupation.Deponent#01], of [CNT:LinearAddress], aged 18 years and upwards, **MAKE OATH** and say as follows:-

- 1. I am the [CAN:Occupation.Deponent#01] of the Plaintiff herein, and I am duly authorised by the Plaintiff to make this Affidavit on its behalf. I make this Affidavit from facts within my own knowledge save where otherwise appears and, where so appearing, I believe the same to be true.
- 2. I refer the Summary Summons herein served on the Defendant the to on [CAN:CivilBillSDate.Defendant#01] and I say that the sum of €[MAT:DebtBalance] claimed therein to be due to the Plaintiff is now actually due and owing as stated in the Special Indorsement of Claim to the Summary Summons. The said sum arises on foot of services provided by the Plaintiff to the Defendant, detailed particulars of which have already been furnished to the Defendant.
- 3. I say and believe that no Appearance has been filed by or on behalf of the Defendant herein.
- 4. [SYS:iif(MAT:DebtCollected=0, 'No sum whatever', 'The sum of €' & clip(left(format(MAT:DebtCollected, '@n12.2'))) & 'only')] has been paid on foot of the Plaintiff's claim herein since the service of the Summary Summons and the sum of €[MAT:BalanceOfDebt] is now actually due and owing by the Defendant to the Plaintiff over and above all just credits, claims and allowances and no part thereof has been in any manner paid, satisfied or discharged.
- 5. Value added tax is/is not payable by the Plaintiff on the costs of the within proceedings and any such value added tax is/is not recoverable by the Plaintiff from the Revenue Commissioners.
- 6. I apply to this Honourable Court for Judgement against the Defendant in default of Appearance.

SWORN by the said [CAN:Name.Deponent#01] this day of 2014 at [DIA:SingleAddress],

before me a Commissioner for Oaths/Practising Solicitor and I know the Deponent

Commissioner for Oaths/Practising Solicitor

[CSM:CsPlaintNo]

[CNT:Name]

Plaintiff

and

[CAN:Name.Debtor#@&]

Defendant

AFFIDAVIT OF DEBT

[SYS:CON:Name] Solicitors for the Plaintiff [DIA:Address]

[DATE:Today]

Private & Confidential

[CNT:Name] [CNT:Address]

RE: [CAN:Name.Debtor#@&]

Dear [CNT:Salut],

I served the Summary Summons on [CAN:Name.Debtor#@&] and no Appearance has been entered by any party on its behalf. I now intend to proceed to Judgement on behalf of [CNT:Name].

I enclose herewith Affidavit of Debt and would be grateful if you would swear it in front of a commissioner for oaths/solicitor, and return it to me in early course. I will then proceed to lodge the Affidavit of Debt with the Judgement papers in the Central Office of the High Court to mark Judgement in respect of the debt due. Once we obtain Judgement against [CAN:Name.Debtor#@&], we can look at all our options.

I will await hearing from you.

Kind regards,

Yours sincerely,

[MAT:FENAME] [SYS:CON:NAME] [MAT:FeEmail]

Record No: [CSM:CsPlaintNo]

JUDGMENT IN DEFAULT OF APPEARANCE

BETWEEN

[CNT:Name]

Plaintiff

Defendant

AND [CAN:Name.Debtor#@&]

The day of

2014

The Defendant not having appeared to the Summary Summons herein [SYS:iif(MAT:DebtCollected=0, ", 'And the sum of \in ' & MAT:DebtCollected & ' having been paid/credited since the issue and service of the said Summons' & Chr(10) & Chr(13))][SYS:dpopup('DebtWaiveInterest')] It is this day adjudged that the Plaintiff recover against the Defendant the sum of \in [MAT:BalanceOfDebt] and \in costs

REGISTRAR

[CSM:CsPlaintNo]

SOLICITOR'S CERTIFICATE

BETWEEN/

[CNT:Name] [CNT:Address] [CNT:Occupation]

Plaintiff

AND [CAN:NameAddrOccup.Debtor#@R]

Defendant

We certify that the degree, quality, profession or trade and place of residence of the each of the parties to this Judgment are correctly stated above and the necessary affidavits having been filed I require Judgment to be marked.

Dated the day of

2014

[SYS:CON:Name] Solicitors for the Plaintiff [DIA:Address]

[CSM:CsPlaintNo]

[CNT:Name]

Plaintiff

and

[CAN:Name.Debtor#@&]

Defendant

JUDGMENT IN DEFAULT OF APPEARANCE

[SYS:CON:Name] Solicitors for the Plaintiff [DIA:Address]

And: THE REGISTRAR Central Office Four Courts Dublin 7

WHICH SAID APPLICATION will be grounded on the proceedings already had herein, the Affidavit of [CAN:Name.Deponent#01] [SYS:day(UDF('DateSworn'))] sworn the day of [SYS:sub(format(UDF('DateSworn'), '@d18'), 4, 14)], (a copy of which is served herewith), this Notice of Motion and the Affidavit of Service thereof, the nature of the case and the reasons to be offered.

NOTICE OF MOTION

TAKE NOTICE that on the 2014 at 10.30 a.m. day of in the forenoon or at the first available opportunity thereafter, Counsel on behalf of the Plaintiff will apply to the Master of the High Court sitting at the Four Courts, Inn's Quay in the City of Dublin, for the following reliefs against the Defendant:

- 1. An Order granting the Plaintiff liberty to enter final judgement against the Defendant in the sum of €[MAT:BalanceOfDebt] together with continuing interest thereon at the rate of % from the until payment or Judgement. day of
- 2. Such further or other Order as to this Honourable Court shall deem meet.
- 3. The costs of these proceedings.

BETWEEN

Dated this	day of
Signed:	[SYS:CON:Name] Solicitors for the Plaintiff
	[DIA:Address]
To:	[CAN:Name.Solicitors#01] Solicitors for the Defendant [CAN:Address.Solicitors#01]

THE HIGH COURT

Record No: [CSM:CsPlaintNo]

[CNT:Name]

AND [CAN:Name.Debtor#@&] Plaintiff

Defendant

2014.

Filed this day of April 2014 by [SYS:CON:Name], Solicitors for the Plaintiff, [DIA:SingleAddress].

[CSM:CsPlaintNo]

[CNT:Name]

Plaintiff

and

[CAN:Name.Debtor#@&]

Defendant

NOTICE OF MOTION

[SYS:CON:Name] Solicitors for the Plaintiff [DIA:Address]

Record No: [CSM:CsPlaintNo]

BETWEEN

[CNT:Name]

Plaintiff

AND

[CAN:Name.Debtor#@&]

Defendant

Affidavit of [CAN:Name.Deponent#01]

I [CAN:Name.Deponent#01], of [CNT:Name], [CNT:LinearAddress] aged eighteen years and upwards **MAKE OATH** and say as follows:-

- 1. I am a [CAN:Occupation.Deponent#01] in the Plaintiff Company and I make this Affidavit on its behalf and with its authority from facts within my own knowledge and from a perusal of its books, documents and records save where otherwise appears and, where so otherwise appearing, I believe the same to be true.
- 2. I beg to refer to the pleadings and proceedings herein when produced and I say that the Indorsement of Claim on the originating Summons is true and accurate.
- 3. The Plaintiff's claim as set out in the said Indorsement of Claim, is for €[MAT:OriginalDebt] in respect of services provided by the Plaintiff to the Defendant, full particulars of which were furnished to the Defendant before the issue of the originating Summons.
- [SYS:iif(MAT:DebtCollected=0, 'No sum whatever', 'The sum of €' & clip(left(format(MAT:DebtCollected, '@n12.2'))) & 'only')] has been paid on foot of the Plaintiff's claim since the service of the originating Summons and €[MAT:BalanceOfDebt] is now actually due and owing by the Defendant to the Plaintiff.
- 5. I say and believe that the Defendant has no bona fide defence to the Plaintiff's claim and that the Appearance has been entered solely for the purpose of delay.
- 6. I pray this Honourable Court for liberty to enter final Judgement against the Defendant in the sum of €[MAT:BalanceOfDebt].

SWORN by [CAN:Name.Deponent#01] this day of 2014 at before me a Commissioner for Oaths/ Practising Solicitor and I know the Deponent.

COMMISSIONER FOR OATHS/ PRACTISING SOLICITOR

This Affidavit is filed on behalf of the Plaintiff by [SYS:CON:Name], Solicitors, [DIA:SingleAddress], this day of 2014.

[CSM:CsPlaintNo]

[CNT:Name]

Plaintiff

and

[CAN:Name.Debtor#@&]

Defendant

Affidavit of [CAN:Name.Deponent#01]

[SYS:CON:Name] Solicitors for the Plaintiff [DIA:Address]

[DATE:Today]

Private & Confidential [CNT:Name] [CNT:Address]

RE: [CAN:Name.Debtor#01]

Dear [CNT:Salut],

Although the debtor entered an appearance to the Summary Summons, no defence has been filed within the time allowed. I am therefore about to issue a Motion for liberty to enter final judgment and I enclose herewith Affidavit grounding the said motion. Please swear the affidavit in front of a commissioner for oaths/solicitor, and return it to me in early course in order that I can proceed to obtain Judgement against this debtor.

I will await hearing from you.

Kind regards,

Yours sincerely,

[MAT:FENAME] [SYS:CON:NAME] [MAT:FEemail]

[DATE:Today]

REGISTERED POST

[CAN:Name.Debtor#99] [CAN:Address.Debtor#99]

RE: [CNT:Name] -v- [CAN:Name.Debtor#@&] The High Court Record No. [CSM:CsPlaintNo]

Dear Sir,

Please find enclosed herewith, under cover of registered post, true copy Notice of Motion and Grounding Affidavit returnable for the [UDF:ReturnDate], by way of service upon you.

Yours faithfully,

[SYS:CON:Name] [MAT:FeEmail]

[DATE:Today]

[CAN:Name.Barristers#??] [CAN:Address.Barristers#??]

RE: [CNT:Name] –v- [CAN:Name.Defendant#@&] The High Court Record No. [CSM:CsPlaintNo]

Dear [CAN:Salutation.Barristers#??],

I refer to the above matter. The Defendant herein has failed to file a Defence in the matter and accordingly I have issued and served a Notice of Motion for liberty to enter final Judgment. The return date is the [UDF:ReturnDate] next.

I enclose herewith Brief in the matter and would be obliged if you would confirm you will be able to attend at the hearing of the Motion.

Kind regards,

Yours sincerely

[MAT:FeName] [SYS:CON:Name] [MAT:FeEmail]

[CNT:Name]

-v-

[CAN:Name.Debtor#@&]

BRIEF FOR COUNSEL [CAN:Name.Barristers#??] B.L.

QUERIST: [CNT:Name] AGENT: [MAT:FeName], [SYS:CON:Name]

Counsel is sent herewith as follows:-

A. Pleadings

- 1. Summary Summons
- 2. Affidavit of Service
- 3. Notice of Motion and Grounding Affidavit

B. Miscellaneous

1. Copy invoices

C. Correspondence

Could Counsel please attend Court on the hearing of the Motion.

Dated this day of April 2014.

Signed:

[MAT:FeName] [SYS:CON:Name]

[DATE:Today]

Private & Confidential [CNT:Name] [CNT:Address]

RE: [CAN:Name.Debtor#@&]

Dear [CNT:Salut],

I refer to previous communications in connection with the above matter. I now write to advise that I have obtained Judgement on your behalf against [CAN:Name.Debtor#@&]. I am in a position to register the Judgement against [CAN:Name.Debtor#@&] and also to send an Execution Order to the Sheriff to levy execution against the Defendant[CAN:SComp.Debtor#02].

If you wish me to lodge the Judgement with the Sheriff to levy execution, I need you to put me in funds. I enclose herewith fee note, and would be grateful to receive cheque in early course.

Kind regards,

Yours sincerely,

[MAT:FENAME] [SYS:CON:NAME] [MAT:FeEmail]