



Debt Collection – District Court Workflow

DEBT COLLECTION – DISTRICT COURT WORKFLOW

Action	Action Description	Documents	Next
DBT01	Take Instructions and send initial Letters to Parties	DBT01A – Initial Letter to Client DBT01B – Warning Letter to Debtor before Proceedings	DBT03 – 10 Days
DBT03	Issue Proceedings	DBT03A – Claim Notice DBT03B – Memo to law clerk agent to issue Claim Notice	DBT04 – 3 Days
DBT04	Serve Proceedings and diary Return Date	DBT04A – Letter to Debtor serving Claim Notice	DBT05 – 5 Days
DBT05	Prepare Declaration of Service and have sworn	DBT05A – Declaration of Service of Claim Notice	DBT06 – 10 Days
DBT06	Review when to file original Claim Notice with Declaration of Service	DBT06A – Memo to law clerk or agent to file Summons	DBT06 – 10 Days DBT07 – 10 Days
DBT07	Prepare Affidavit of Debt and send to be sworn	DBT07A – Affidavit of Debt DBT07B – Letter to Client to swear Affidavit of Debt	DBT08 – 14 Days
DBT08	Check whether Client has returned Affidavit of Debt		DBT08 – 7 Days DBT09 – 0 Now
DBT09	File Judgment Papers	DBT09A – Judgment Papers DBT09B – Memo to Clerk to file Judgment Papers	DBT10 – 1 Months
DBT10	Check whether Judgment has been received		DBT10 – 14 Days DBT11 – 0 Now
DBT11	Inform both Parties of issue of Judgment	DBT11A – Letter to Client following Judgment DBT11B – Interim Bill of Costs DBT11C – Letter to Debtor following Judgment DBT11D – Memo to Clerk to file Memorandum of Registry of Judgment	DBT12 – 1 Months
DBT12	Check whether Client has given further Instructions		DBT13 – 0 Now

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[MAT:Code]/[MAT:FeCode]/[UDF:SecRef]

[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]

Encl.

[MAT:Code]/[MAT:FeCode]/[UDF:SecRef]

[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 €[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]

AN CHÚIRT DÚICHE



THE DISTRICT COURT

[CAN:DistrictCourtArea.DisCourts#01]

[CAN:DistrictCourtDistrict.DisCourts#01]

Record number: [CSM:CSPlaintNo]

Between

[CNT:Name]

Claimant

[CAN:Name.Debtor#@&]

Respondent

CLAIM NOTICE: DEBT CLAIM

This claim notice is issued at the request of the Claimant(s), who makes a claim in the District Court to recover against the Respondent damages not exceeding €15,000 for *debt *liquidated damages

Particulars of first Claimant:

Name	[CNT:Name]
Address *(in the above Court *(area) and district)	[CNT:LinearAddress]
*Solicitor	[SYS:CON:Name]
Address for service of documents	[DIA:SingleAddress]

{Repeat particulars for second and any subsequent claimant}

Particulars of first Respondent:

Name	[CAN:Name.Debtor#01]
Address *(in the above Court *(area) and district)	[CAN:LinearAddress.Debtor#01]
*Solicitor (if known)	
Address for service of documents (if known)	

Particulars of second Respondent:

Name	[CAN:Name.Debtor#02]
Address *(in the above Court *(area) and district)	[CAN:LinearAddress.Debtor#02]
*Solicitor (if known)	
Address for service of documents (if known)	

Particulars of third Respondent:

Name	[CAN:Name.Debtor#03]
Address *(in the above Court *(area) and district)	[CAN:LinearAddress.Debtor#03]
*Solicitor (if known)	
Address for service of documents (if known)	

STATEMENT OF CLAIM

1. The claimant is a [CNT:Occupation] who carries on business at [CNT:LinearAddress].
2. The respondent is a [CAN:Occupation.Debtor#01] who resides at [CAN:LinearAddress.Debtor#@&], within the Court area and district mentioned above.
3. The claimant's claim is to recover against the respondent the sum of €[MAT:OriginalDebt] being the amount due and owing to the claimant by the respondent pursuant to invoices issued in the course of business by the claimant to the respondent on foot of the respondent's account with the claimant for goods sold and delivered and services rendered.
4. Despite demands made in writing (details of which are set out below), the respondent has failed, refused and/or neglected to pay the amount due and owing to the claimant of €[MAT:OriginalDebt], which remains due and owing by the respondent to the claimant after all just credits and allowances.
5. The claimant claims further Interest on the principal sum above due at current Credit Union Rates until payment or Judgment and the costs of these proceedings

PARTICULARS OF AMOUNT DUE

Date of invoice or payment	Amount invoiced €	Amount paid €	Balance due €
			[MAT:OriginalDebt]

**LIST OF CORRESPONDENCE AND OTHER DOCUMENTS ON WHICH THE CLAIMANT
WILL RELY AT TRIAL**

	Document	Date	Description
1	Statement of Account No. [MAT:YourRef]		
2	Letter of Demand	[DATE:DBT01]	
3			

(A) IF YOU DISPUTE THE CLAIM and wish to defend the proceedings, then you must give, or send by post, to the Claimant or Claimant's solicitor at the address for service mentioned above an Appearance and Defence in Form 42.02, Schedule C of the District Court Rules, not later than 28 days after the service on you of this Claim Notice, and at the same time file a copy of your Appearance with the District Court Clerk at the address below.

(B) IF YOU PAY THE AMOUNT of €[MAT:OriginalDebt] and costs of €[UDF:TenDayCosts] to the Claimant or the Claimant's solicitor within ten days and without filing and serving an Appearance and Defence you may avoid further costs.

IF YOU DO NOT ACT IN ACCORDANCE WITH (A) OR (B) ABOVE you will be held to have admitted the claim and the Claimant may, without further notice to you, lodge an Affidavit of Debt

in the District Court, obtain Judgment and proceed to execution for the full amount claimed and costs.

Signed: _____
*(Solicitor for) Claimant

To the respondent(s) at the address(es) given above

This Claim Notice is issued at [CAN:LinearAddress.DisCourts#01] on the _____ day of April
2014 by _____ the District Court Clerk assigned to the

above Court area and district

**Delete where inapplicable*

AN CHÚIRT DÚICHE THE DISTRICT COURT

[CNT:Name]

Claimant

and

[CAN:Name.Debtor#@&]

Respondent

CLAIM NOTICE: DEBT CLAIM

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

[MAT:Code]/[MAT:FeCode]/[UDF:SecRef]

MEMO TO

From: [MAT:FeName]
Re: [CNT:Name]
[CAN:Name.Debtor#01]
Date [DATE:Today]
Ref: [MAT:Code]/[MAT:FeCode]/[UDF:SecRef]

I attach Claim Notice in triplicate and cheque for €22. Please arrange to have same stamped and issued.

Many thanks,

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

[MAT:Code]/[MAT:FeCode]/[UDF:SecRef]

[DATE:Today]

REGISTERED POST

[CAN:Name.Debtor#01]

[CAN:Address.Debtor#01]

RE: [CNT:Name] -v- [CAN:Name.Debtor#01]
The District Court Record No. [CSM:CsPlaintNo]

Dear Sir,

Please find enclosed herewith, under cover of registered post, true copy Claim Notice in the above matter, by way of service upon you. Please note the return date of the [UDF:SummonsReturnDate].

Yours faithfully,

[SYS:CON:NAME]

[MAT:FEemail]

Encl.

Statutory declaration of service of a document by registered post

41.01

Schedule C
O.41, r. 14

AN CHÚIRT DÚICHE



THE DISTRICT COURT

[CAN:DistrictCourtArea.DisCourts#01]

[CAN:DistrictCourtDistrict.Dis
Courts#01]

Record No. [CSM:CsPlaintNo]

‡Between

[CNT:Name]

Claimant

[CAN:Name.Debtor#@&]

Respondent

STATUTORY DECLARATION AS TO SERVICE BY REGISTERED PREPAID POST

Courts Act 1964, Section 7

I, [HAN:CaName] of [SYS:CON:Name], [DIA:SingleAddress] aged sixteen years and upwards, do solemnly and sincerely declare that:

1. I served this original document by posting a true copy thereof at _____ a.m./p.m. on the [CAN:BlankField.Debtor#01][SYS:day(CAN:CivilSumSDate)] day of [SYS:sub(format(CAN:CivilSumSDate,'@d18'),4,13)] at _____ Post Office in a registered prepaid envelope addressed to the above Respondent at the address stated in this document.

2. The address to which the envelope was sent is the last known residence or most usual [SYS:iif(NAM:AddressType='1', 'place of business', iif(NAM:AddressType='3', 'place of business', 'place of residence'))] of the person to whom the document is directed.

3. The certificate of posting of the envelope is attached.

4. I am authorised by the person bringing the proceedings to post the said envelope.

5. At the time of posting the envelope the original document was duly issued and stamped.

6. The envelope has not to this date been returned undelivered to the sender.

I make this solemn declaration conscientiously believing the same to be true and by virtue of the Statutory Declarations Act 1938.

Declared before me
a Commissioner for Oaths/Practising Solicitor) by
the said [HAN:CaName] *who is personally known
to me, at
this _____ day of
2014

Signed

Commissioner for Oaths / Practising Solicitor

This Statutory Seclaration has been filed with the District Court Clerk at [CAN:LinearAddress.DisCourts#01] on the _____ day of _____ 2014

NOTE

This Declaration must be made not earlier than ten days after the day on which the envelope is posted.

* Delete where inapplicable.

‡It is not necessary to repeat the title where a statutory declaration is endorsed on the document. Substitute the appropriate form of title to the civil proceeding concerned, where different.

MEMO TO

From: [MAT:FeName]
Re: [CNT:Name]
[CAN:Name.Debtor#01]
Date [DATE:Today]
Ref: [MAT:Code]/[MAT:FeCode]/[UDF:SecRef]

,

I attach the following:-

1. Original Claim Notice;
2. Declaration of Service;
3. Cheque for €15 for stamp duty on Declaration.

Can you lodge the forms in the District Court Office.

Many thanks,

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

Affidavit of debt (except in proceedings to which the Consumer Credit Act 1995 or the European Communities (Consumer Credit Agreements) Regulations 2010 (S.I. 281 of 2010) apply)

47.02

Schedule C
O.47, r.2

[CAN:DistrictCourtArea.DisCourts#??]

[CAN:DistrictCourtDistrict.Dis
Courts#??]

Record number: [CSM:CsPlaintNo]

Between

[CNT:Name]

Claimant

[CAN:Name.Debtor#@&]

Respondent

AFFIDAVIT OF DEBT

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

1. I am the [CNT:Occupation.Deponent#01] of the Claimant and I am duly authorised to make this Affidavit on behalf of the Claimant in these civil proceedings. The facts herein stated are within my own knowledge save where otherwise appears and where so otherwise appears I believe the same to be true.
2. The Claim Notice herein claiming the sum of €[MAT:OriginalDebt] was served on the Respondent on the [CAN:BlankField.Debtor#01][SYS:day(CAN:CivilSumSDate)] day of [SYS:sub(format(CAN:CivilSumSDate,'@d18'),4,13)]
3. No Appearance and Defence to the Claim Notice has been received by the Claimant or the solicitor for the Claimant.
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 claim herein since the service of the Claim Notice and the sum of €[MAT:BalanceOfDebt] is now actually due and owing by the Respondent to the Claimant 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 Claimant on the costs of these civil proceedings (and any such value-added tax *is/*is not recoverable by the Claimant from the Revenue Commissioners).

SWORN before me

at

in the County of

on the day of

2014, by the said [CAN:Name.Deponent#01] who is personally known to me.

Deponent

*Commissioner for Oaths/ *Practising Solicitor
CERTIFICATE

It is hereby certified as follows:-

That [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 claim herein since the service of the Claim Notice herein and that the sum of €[MAT:BalanceOfDebt] is now actually due by the Respondent to the Claimant.

That no Appearance and Defence to this Claim Notice or Notice requiring particulars of the Claim Notice has been received by the Claimant or solicitor for the Claimant.

Dated this _____ day of _____ 2014

Signed: _____

*(Solicitor for the) claimant

This Affidavit is filed with the District Court Clerk at [CAN:LinearAddress.DisCourts#??] on the day of _____ 2014 by [SYS:CON:Name] on behalf of the Claimant who requests Judgment for the sum of €[MAT:BalanceOfDebt] and costs of € _____ *(and claims the recovery of value-added tax payable by the Claimant on the said costs).

**Delete where inapplicable.*

†Where relevant, select appropriate option and delete others.

AN CHÚIRT DÚICHE THE DISTRICT COURT

Record No. [CSM:CsPlaintNo]

[CNT:Name]

Claimant

and

[CAN:Name.Debtor#@&]

Respondent

AFFIDAVIT OF DEBT

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

-

[MAT:Code]/[MAT:FeCode]/[UDF:SecRef]

[MAT:Code]/[MAT:FeCode]/[UDF:SecRef]

[DATE:Today]

Private & Confidential

[CNT:Name]

[CNT:Address]

RE: [CAN:Name.Debtor#01]

Dear [CNT:Salut],

I refer to recent correspondence herein. I now enclose herewith Affidavit of Debt and would be grateful if you could sign it and have it sworn 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]

Encl.

Judgment (decree) by default (in debt claims except in proceedings to which the Consumer Credit Act 1995 or the European Communities (Consumer Credit Agreements) Regulations 2010 (S.I. 281 of 2010) apply)

47.04

Schedule C
O.47, r.2

AN CHÚIRT DÚICHE



THE DISTRICT COURT

[CAN:DistrictCourtArea.DisCourts#01]

[CAN:DistrictCourtDistrict.Dis
Courts#01]

Record number: [CSM:CsPlaintNo]

Between

[CNT:Name]

Claimant

[CAN:Name.Debtor#@&]

Respondent

Judgment (Decree) by Default

IT APPEARING

1. That a Claim Notice for a debt or liquidated money demand was duly served on the Respondent [CAN:NameAndAddressLn.Debtor#@&] claiming €[MAT:OriginalDebt] for debt.
2. That the Respondent failed to serve and file an Appearance and Defence to the Claim Notice
3. AND IT FURTHER APPEARING by the Affidavit of [CAN:Name.Deponent#01] on behalf of the Claimant, verifying the claim, sworn the _____ day of _____ 2014 and the Claimant's request for Judgment that the Respondent(s) is/are justly indebted to the Claimant in the sum of €[MAT:BalanceOfDebt]

IT IS THEREFORE ORDERED AND DECREED that the Claimant recover from the Respondent the sum of €[MAT:BalanceOfDebt] for debt, the sum of € _____ for costs *(and value-added tax) AND all Sheriffs and County Registrars are hereby commanded to take in execution the goods of the Respondent to satisfy the said debt, costs *(and value added tax), and interest from the date hereof on the †debt (exclusive of the costs and tax) — at the rate per annum for the time being standing specified in Section 26 of the Debtors (Ireland) Act, 1840.

Dated this _____ day of _____ 2014

Signed: _____
Judge of the District Court

Signed: _____
[SYS:CON:Name]
Solicitors for the Claimant.

County of [CAN:CountyOfAddress.Debtor#01]

I authorise and empower _____ of _____ and _____ of _____ or either of them and their assistants to execute the above Judgment (Decree).

The sum to be levied hereunder is €

Given _____ under my _____ hand this _____ day of 2014

County Registrar (Under-Sheriff) of _____ in the said County

**Delete where inapplicable*

† If the debt exceeds €190.46

AN CHÚIRT DÚICHE THE DISTRICT COURT

[CAN:DistrictCourtArea.DisCourts#01]

[CAN:DistrictCourtDistrict.DisCourts
#01]

Record No. [CSM:CsPlaintNo]

[CNT:Name]

Claimant

and

[CAN:Name.Debtor#@&]

Respondent

JUDGMENT (DECREE) BY DEFAULT

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

[MAT:Code]/[MAT:FeCode]/[UDF:SecRef]

Certificate of the Registry of a Judgment

Title of Cause: <p style="text-align: center;">[CNT:Name]</p> <p style="text-align: right;">Plaintiff</p> <p style="text-align: center;">-and-</p> <p style="text-align: center;">[CAN:Name.Debtor#01]</p> <p style="text-align: right;">Defendant</p>		
Name of Defendant or Person whose Estate is intended to be Affected	Usual or last known place of abode of such Person or Registered Office	Title Trade or Profession of such Person
[CAN:Name.Debtor#@R]	[CAN:AddressSingle.Debtor#@R]	[CAN:Occupation.Debtor#@R]
The District Court		
Date of Judgment:		
Amount of Debt or Damages: € [MAT:BalanceOfDebt]		
Amount of Costs: €		
Name of Plaintiff	Usual or last known place of abode of such Person or Registered Office	Title Trade or Profession of such Person
[CNT:Name]	[CNT:Address]	[CNT:Occupation]

I certify that the Judgment described in the foregoing Memorandum was registered in the District Court Office on the day of 2014 and is contained in Book Vol. page

Dated this day of 2014

County Registrar

MEMO TO

From: [MAT:FeName]
Re: [CNT:Name]
[CAN:Name.Debtor#01]
Date [DATE:Today]
Ref: [MAT:Code]/[MAT:FeCode]/[UDF:SecRef]

I attach the following:-

1. Affidavit of Debt;
2. Decree;
3. Certificate of the Registry of a Judgement;
4. Cheque for €21.00 in respect of stamp duty.

Please swear the Affidavit and then file the papers in the District Court Office.

Many thanks,

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

[MAT:Code]/[MAT:FeCode]/[UDF:SecRef]

[DATE:Today]

Private & Confidential

[CNT:Name]

[CNT:Address]

RE: [CAN:Name.Debtor#01]

Dear [CNT:Salut],

I refer to previous communications in relation to the above matter and now write to advise that we have obtained Judgement against the Defendant in the above matter. Perhaps you would let me have instructions as follows:

1. Whether or not you wish me to furnish the Court Order to the Sheriff to see if he can collect the Debt;
2. If you wish to consider the process of bankruptcy/liquidation;
3. If you wish to consider examination process with a view to obtaining Instalment Order.

In the meantime, I enclose herewith an interim bill of costs, and would be grateful to receive cheque in settlement thereof at your early convenience.

I will await hearing from you.

Kind regards,

Yours sincerely,

[MAT:FENAME]

[SYS:CON:NAME]

[MAT:FEemail]

Encl.

FEE NOTE

Invoice No:

[CNT:Name]
-to-
[SYS:CON:Name]

PROFESSIONAL FEES for work done in relation to District Court proceedings against [CAN:Name.Debtor#01], to include:-

Receiving instructions to correspond with debtor, sending seven day letter to debtor, drafting District Court proceedings, issuing and serving proceedings on the debtor, preparing Declaration of Debt for completion by client, preparing Judgement papers and filing them in the District Court Office.

Obtaining Judgement.

Fee for work done €

V.A.T. @ 23% €

OUTLAY NOT SUBJECT TO VAT

Stamp duty on Claim Notice	€22.00	
Commissioners fees on Declaration of Service	€12.00	
Stamp duty on Affidavit of Debt	€12.00	
Stamp duty on Memorandum of Registry of Judgement	€11.00	
Stamp duty on Decree and Certificate of the Registry of a Judgement	<u>€21.00</u>	€

Total: €

Dated this day of April, 2014.

Signed _____
[SYS:CON:Name]
Solicitors
[DIA:Address]

THIS IS NOT A VAT INVOICE
REF: [MAT:Code]/[MAT:FECODE]

TO:
[CNT:Name]
[CNT:Address]

[MAT:Code]/[MAT:FeCode]/[UDF:SecRef]

[DATE:Today]

REGISTERED POST

[CAN:Name.Debtor#01]

[CAN:Address.Debtor#01]

RE: [CNT:Name] -v- [CAN:Name.Debtor#01]
The District Court Record No. [CSM:CsPlaintNo]

Dear Sir,

We refer to previous correspondence herein. We now write to advise that Judgment has been obtained against you in the District Court.

Yours faithfully,

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

MEMO TO

From: [MAT:FeName]
Re: [CNT:Name]
[CAN:Name.Debtor#01]
Date [DATE:Today]
Ref: [MAT:Code]/[MAT:FeCode]/[UDF:SecRef]

I attach Memorandum of the Registry of a Judgement together with cheque for €11. Can you please arrange to have same stamped and lodged.

Many thanks,

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