

## Sample 7: Form 5 – Originating application

MAGISTRATES COURT OF QUEENSLAND

REGISTRY:  
NUMBER:

Applicant: *Louis James Ferris and Jeanine Elizabeth Ferris*

AND

[First]Respondent: *ASD Credit Services, ACN 65789033*

AND

[Second Respondent]: *(Insert Name)*

### ORIGINATING APPLICATION

To the respondents: ASD Credit Services, ACN 65789033 TAKE NOTICE that the applicant is applying to the Court for the following orders:

- 1. That enforcement proceedings under the loan contract between the applicant and the respondent dated 12 November 2014, account number 084553, and the mortgage relating to the loan contract be stayed until a decision has been made about this application.*
- 2. That the applicant be granted a three month moratorium on the payments due under the loan contract for the period 1 June 2018 to 1 September 2018.*
- 3. That the next payment date be changed to 2 September 2018.*
- 4. That the period of the loan contract be extended for a further three months until 12 February 2021.*
- 5. Such further or other orders as this Honourable Court deems fit.*

This application will be heard by the Court at *Brisbane Magistrates Court* on: *12 July 2018 at 11.30am*

Filed in the *Brisbane Magistrates Court* Registry on *18 June 2018*:

Registrar: *P Kramer*  
*(registrar to sign and seal)*

ORIGINATING APPLICATION  
Filed on Behalf of the Applicants(s)

Form 5, Version 1  
Uniform Civil Procedure Rules 1999  
Rule 26

Name: Louis Ferris  
Address: 25 Banksia Ave, Treedale Qld  
4234

Phone No: 3182 5182  
Fax No: N/A  
Email: lferris@mymail.com.au

Sample 7: Form 5 – Originating application cont'd

If you wish to oppose this application or to argue that any different order should be made, you must appear before the Court in person or by your lawyer and you shall be heard. If you do not appear at the hearing the orders sought may be made without further notice to you. In addition you may before the day for hearing file a Notice of Address for Service in this Registry. The Notice should be in Form 8 to the Uniform Civil Procedure Rules. You must serve a copy of it at the applicant's address for service shown in this application as soon as possible.

On the hearing of the application the applicant intends to rely on the following affidavits:

1. Affidavit of Louis James Ferris sworn 18 June 2018

If you intend on the hearing to rely on any affidavits they must be filed and served at the applicant's address for service prior to the hearing date.

If you object that these proceedings have not been commenced in the correct district of the Court, you must apply to the Court for dismissal of the proceedings.<sup>1</sup>

THE APPLICANT ESTIMATES THE HEARING SHOULD BE ALLOCATED  
(Insert Time Estimate) Hours/Minutes

PARTICULARS OF THE APPLICANT:

Name: Louis James Ferris and Jeanine Elizabeth Ferris

Applicant's residential or business address: 25 Banksia Ave, Treedale Qld, 4234.

Applicant's solicitors name: No lawyer  
and firm name: Not applicable

Solicitor's business address: Not applicable

Address for service: 25 Banksia Ave, Treedale, Qld, 4234.

Dx: Not applicable  
Telephone: 07 3182 5182

Fax: Not applicable

E-mail address if any: lferris@mymail.com.au

Signed: *Louis Ferris*

Description: *Applicant*  
Dated: *18 June 2018*

This application is to be served on:  
of:

*The Manager, ASD Credit Services*

*345 Queen Street, Brisbane Qld, 4001.*

i. This sentence may be omitted from a proceeding started in any central registry of the Supreme Court.