

**MAGISTRATES COURT OF WESTERN AUSTRALIA  
CIVIL JURISDICTION  
FACT SHEET 29**

**INTERPLEADER PROCEEDINGS**

*This fact sheet provides information for a person (claimant) who disputes the bailiff seizing and selling real or personal property.*

<b>Who is the bailiff?</b>	<b>Bailiff</b> An authorised officer of the Sheriff of Western Australia who serves court documents and seizes and sells the judgment debtor's real or personal property.
<b>What is an interpleader?</b>	An action when a person, other than the judgment debtor, has a claim against property seized by a bailiff.
<b>How do I apply for an interpleader</b>	Complete and file <b>Form 28</b> , which is available from the bailiff  The claim must:  a) be in writing; b) describe the property or interest that is claimed; c) state the basis for the claim; d) state your address for service; and e) contain any other relevant information to your claim.
<b>Role of the bailiff</b>	The bailiff will give the judgment creditor a copy of the claim <b>Form 29</b> .
<b>What happens if the claim is admitted?</b>	If the claim is accepted by the judgment creditor, the bailiff must be notified in writing.  The bailiff will then notify all parties that the seized personal property can be released. <b>See Form No. 31</b>
<b>What happens if the claim is disputed?</b>	If a judgment creditor disputes a claim, the bailiff must apply to the court for interpleader relief. <b>See Form No. 30</b>
<b>Role of the court</b>	The court will determine the ownership of property that has been seized.  If the claim relates to <b>personal property</b> , the interpleader action will be dealt with at the court that issued the property (seizure & sale) order.  If the claim relates to <b>real property</b> , the interpleader action will be dealt with at the District Court.

This is a guide only. The content is subject to change. If you are unsure about any of the information in this fact sheet, contact your nearest registry or seek legal advice.