



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.

Who is the Bailiff?

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.

What is an interpleader?

An action when a person, other than the judgment debtor, has a claim against property seized by a Bailiff.

How do I apply for an interpleader?

Complete and lodge a **Form 28 – Notice of Claim Against Property**.

This form is available from the Magistrates Court website:

www.magistratescourt.wa.gov.au.

The claim must:

- be in writing;
- describe the property or interest that is claimed;
- state the basis for the claim;

- state your address for service; and
- contain any other relevant information to your claim.

Role of the Bailiff?

The Bailiff will give the judgment creditor a copy of the claim **Form 29 – Notice to Judgment Creditor**.

What happens if the claim is admitted?

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.

See Form No. 31 – Notice of Release.

What happens if the claim is disputed?

If a judgment creditor disputes a claim, the Bailiff must apply to the Court for interpleader relief.

See Form No. 30 – Application by Sheriff.

Role of the Court

The Court will determine the ownership of property that has been seized.

If the claim relates to **personal property**, the interpleader action will be dealt with at the Court that issued the property (seizure & sale) order.

If the claim relates to **real property**, 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.