

THE STATE COURTS

**INTERPLEADER SUMMONS
TOOLKIT**

1. INTRODUCTION TO INTERPLEADER SUMMONSES

After a civil action is filed in Court, the Court may order a party, known as the “judgment debtor”, to pay a certain sum of money to the other party, who is known as the “judgment creditor”.

If the judgment debtor does not pay the money to the judgment creditor, the judgment creditor can enforce the judgment in a number of ways. One of these ways is for the judgment creditor to apply to Court for a Writ of Seizure and Sale.

When a Writ of Seizure and Sale is issued by the Court, an officer of the Court, known as the “Bailiff”, is directed to seize the movable property, such as furniture and electronic appliances, belonging to the judgment debtor.

After the Bailiff seizes these items, he will arrange an auction sale of the seized property. The money that is obtained from the sale (after deducting the execution costs and the Bailiff’s expenses) is used to pay the judgment creditor to satisfy part or all of the judgment debt.

A party alleging that the seized items belong to him and not the judgment debtor may file a Notice of Claim (Form 22), listing the items being claimed and the grounds for the claim. The party who makes such a claim is known as a “claimant”.

After Form 22 has been filed, the claimant will receive a copy of the form with an endorsement printed on it. This endorsement shows that the form has been filed in Court. The claimant should send a photocopy of the endorsed form, together with all relevant supporting documents in support of his claim, to the judgment creditor.

The judgment creditor will consider the claimant’s claim and inform the Bailiff if he agrees with or disputes the claim.

If the judgment creditor agrees with the claim for all or some of the items claimed, the Bailiff will inform the claimant which items have been released.

If the judgment creditor disputes the claim for all or some of the items claimed, an Interpleader Summons will be filed by the judgment creditor in Court and the claimant will be informed of when he has to appear in Court for the hearing of the summons before a Deputy Registrar.

At the hearing, the claimant will be asked to show proof that the claimed items belong to him. The claimant may have to answer questions on oath and produce supporting documents. The claimant may be required to file an affidavit (sworn statement) or statutory declaration regarding his claim. The judgment creditor or his lawyer will also address the Deputy Registrar. At the end of the hearing, the Deputy Registrar will make an order to determine which items, if any, are to be released to the claimant and which items are to be sold in the auction.

2. USING THE INTERPLEADER SUMMONS TOOLKIT

The State Courts have prepared an Interpleader Summons Toolkit to assist litigants-in-person to make such claims. You are the appropriate claimant if you are the person to whom the claimed items belong. If the items belong to your relative, friend or any another person, that person should file the claim instead of you.

3. SEEKING LEGAL ADVICE

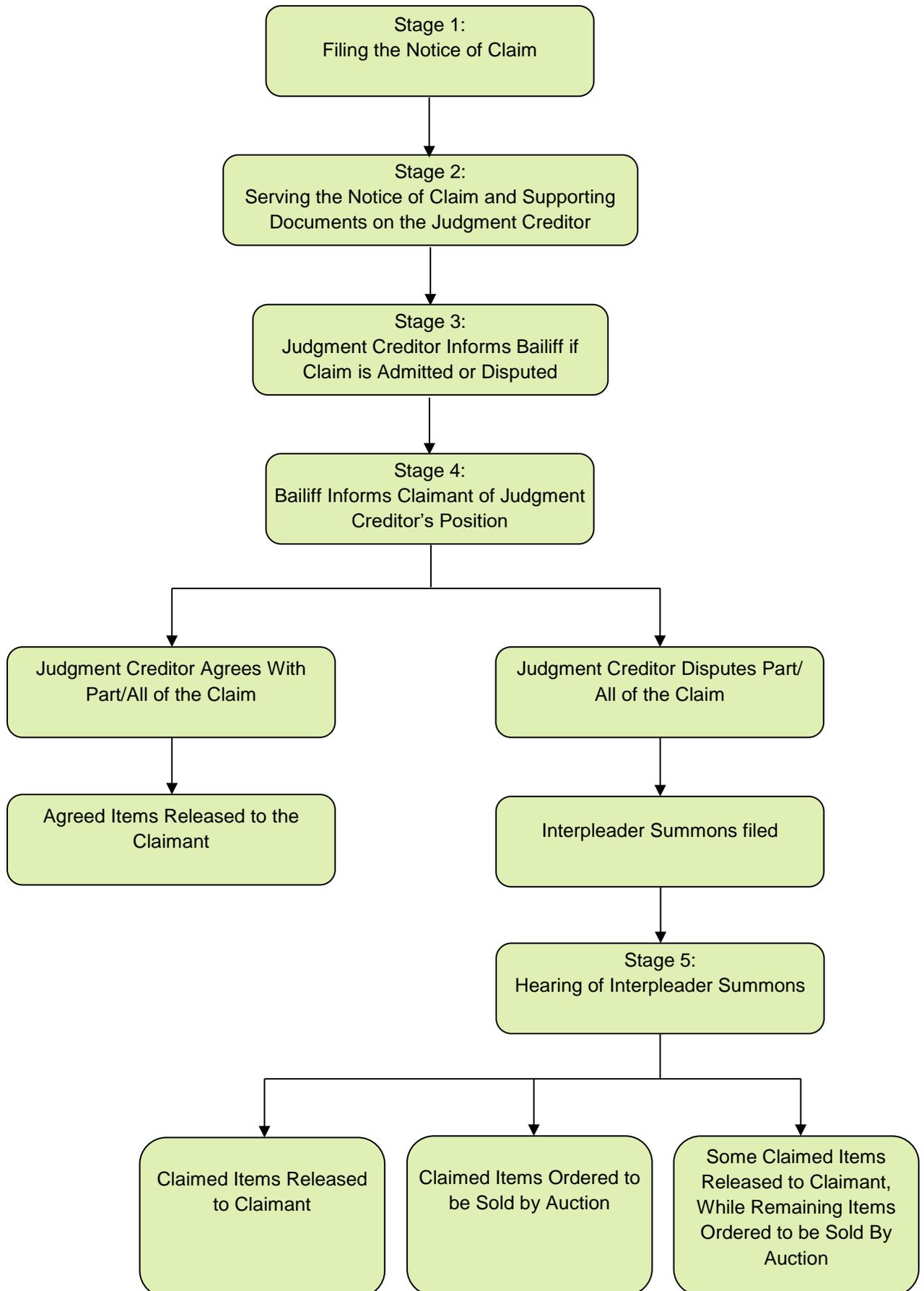
You will appreciate that the facts of each matter are not the same. The specimen documents and explanatory notes in the Toolkit are intended to provide general guidance to the public for straightforward or simple claims. The information and documents required for a claim may vary from case to case.

As the State Courts are not in a position to provide legal advice, you may wish to seek your own legal advice if you are still unclear as to how to proceed after reviewing this Toolkit. You may wish to consider approaching the following organisations for free legal advice:

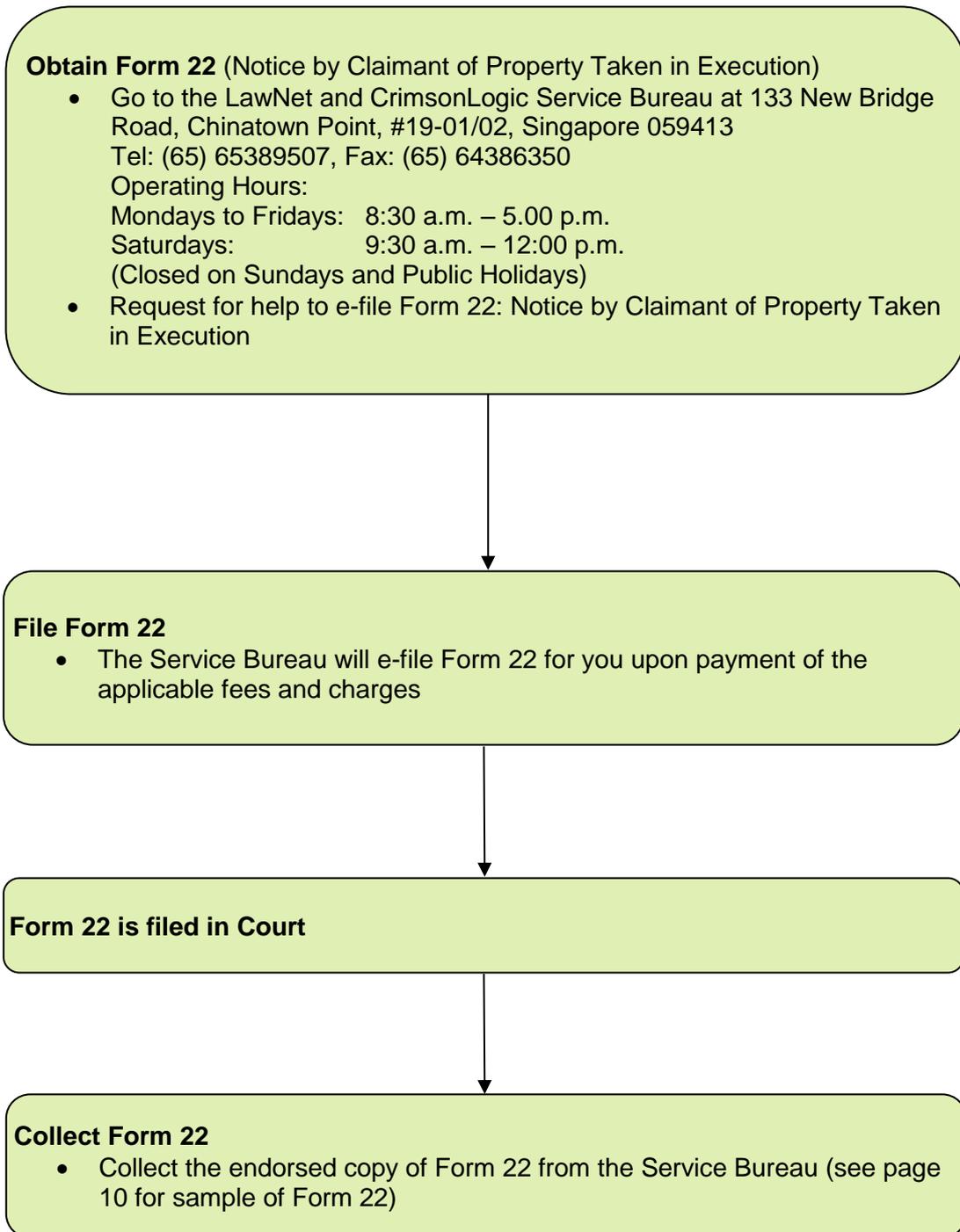
- (i) the Pro Bono Services Office located at the State Courts, Level 5 (<http://www.lawsociety.org.sg>);
- (ii) selected Community Clubs, a list of which may be found at <http://www.pa.gov.sg>;
or
- (iii) the Legal Aid Bureau (<http://www.lab.gov.sg>).

Please do not engage persons who are not authorised to practise law to prepare court documents or to act for you. It is an offence for unauthorised persons to act as agents for parties to court proceedings or to prepare documents relating to court proceedings. The State Courts may report unauthorised persons to the relevant authorities for appropriate action to be taken.

4. OVERVIEW



5. STAGE 1: FILING THE NOTICE OF CLAIM



6. STAGE 2: SERVING FORM 22 AND SUPPORTING DOCUMENTS ON THE JUDGMENT CREDITOR

Make a photocopy of the following documents:

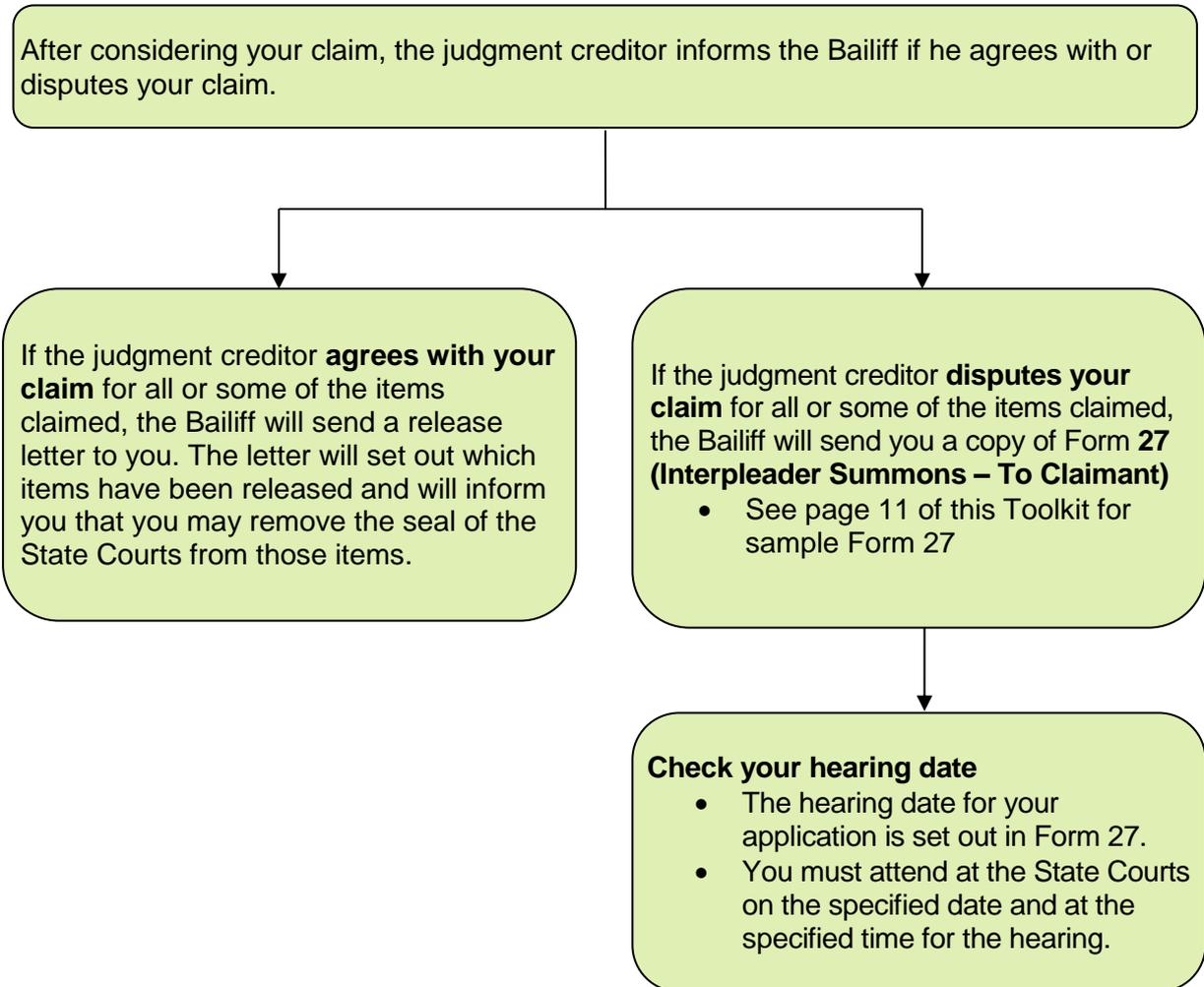
- Endorsed copy of Form 22
- Documents which support your claim that the seized items belong to you and not to the judgment debtor
- Some examples of supporting documents are:
 - i. Receipts or invoices for the items seized showing your name as the purchaser's name
 - ii. Hire purchase agreements for the items seized showing your name as the purchaser's name
 - iii. Tenancy agreements showing that the items seized belong to you as landlord, but were provided in the property for the use of the tenant



Send these photocopies to the judgment creditor by post or by hand

- The judgment creditor's name is the name in the "Execution Creditor" field of **Form 90 (Notice of Seizure and Inventory)** which is given to the judgment debtor at the time the items are seized
- The judgment creditor's address or the name and address of the judgment creditor's lawyer can be found at the cover page of the **Writ of Seizure and Sale**, a copy of which is given to the judgment debtor at the time the items are seized

7. STAGES 3 AND 4: JUDGMENT CREDITOR INFORMS BAILIFF IF CLAIM IS ADMITTED OR DISPUTED AND BAILIFF INFORMS CLAIMANT OF JUDGMENT CREDITOR'S POSITION



8. STAGE 5: HEARING OF INTERPLEADER SUMMONS

The Interpleader Summons will be heard before a Deputy Registrar in Chambers at the Civil Registry, State Courts, Level 1.

You should bring the following documents to the hearing:

- Your NRIC or Passport or other photo identification
- All supporting documents provided to the judgment creditor and any other documents that support your claim that the seized items belong to you and not to the judgment debtor
- Form 22
- All documents provided to you by the Bailiff which are related to your claim (e.g. Form 27)

At the hearing:

- You will be asked to show proof that the claimed items belong to you.
- You may have to answer questions on oath and produce supporting documents. You may be required to file an affidavit (sworn statement) or statutory declaration.
- The judgment creditor or his lawyer will also address the Deputy Registrar.
- After the judgment creditor or his lawyer makes his arguments, you will have an opportunity to respond to these arguments before the Deputy Registrar.
- If you do not attend the hearing, your claim may be struck out. The Court may also order that you will not be allowed to make a claim for any of the seized items in the future
- If you require an interpreter to assist you at the hearing, please inform the counter staff at the Civil Registry when you arrive for the hearing.

Court will make an order on the Interpleader Summons:

- At the end of the hearing, the Deputy Registrar will make an order to determine which items, if any, should be released to the Claimant and which items should be sold in the auction

Continued on next page

Continued from
previous page

Claimed items are to be released to the Claimant

- If such an order is made, please note that the claimed items are released to you.
- You may remove the seal of the State Courts from these items after the hearing.

Claimed items ordered to be sold by auction

- If such an order is made, the judgment creditor may proceed to have the claimed items sold by auction.
- The Court may order that a certain portion of the sale proceeds be paid to you.

Some claimed items ordered to be released to the Claimant, while remaining items are ordered to be sold by auction

- If such an order is made, please note which of the claimed items are released to you. You may remove the seal of the State Courts from those items after the hearing.
- The judgment creditor may proceed to have the remaining items sold by auction.
- The Court may order that a certain portion of the sale proceeds be paid to you.

9. SAMPLE OF FORM 22 – NOTICE BY CLAIMANT OF PROPERTY TAKEN IN EXECUTION

IN THE STATE COURTS OF THE REPUBLIC OF SINGAPORE	
Case No: _____	BETWEEN
Sub Case No.: _____	_____
Filed: _____	Execution Creditor
	AND

	Execution Debtor
	AND

	Claimant
NOTICE BY CLAIMANT OF PROPERTY TAKEN IN EXECUTION	
To:	
1) The Bailiff; and	
2) Solicitor(s) for the Plaintiff/Execution Creditor(s)	
<Name of law firm/Execution Creditor>	
<Address>	
Tel No.:	
Fax No.:	
Email:	
File Ref No	
Solicitor in charge:	
Take notice that I claimed the property taken in execution in this action as follows:	
Date of execution: _____	
Execution Address: _____	
Description of property claimed	Grounds for claim
1st Claimant	
<Name of Claimant>	
<Address>	
Tel No.:	
Mob No.:	
Fax No.:	
Email:	
File Ref No.:	

10. SAMPLE FORM 27- INTERPLEADER SUMMONS

IN THE STATE COURTS OF THE REPUBLIC OF SINGAPORE

Case No: _____ Sub Case No.: _____ Filed: _____ Hearing Date: . _____ Hearing Time: . _____ Hearing Type: Interpleader Summons Attend Before : Registrar	BETWEEN _____ Execution Creditor AND _____ Execution Debtor AND _____ Claimant	
---	--	--

INTERPLEADER SUMMONS

To
Solicitor(s) for the Plaintiff / Execution Creditor(s)
<Name of law firm/Execution Creditor>
<Address>
Tel No.:
Fax No.:
Email:
File Ref No
Solicitor in charge:

You are summoned to attend a hearing for the adjudication of a claim made by the Claimant <Name of Claimant> in respect of certain property taken in execution under <Sub Case No.> issued out of this Court at your instance. At the adjudication, the Court may make such order as the Court shall think just.

To
1st Claimant
<Name of Claimant>
<Address>
Tel No.:
Mob No.:
Fax No.:
Email:
File Ref No.:

You are summoned to attend a hearing to support your claim to certain property taken in execution under <Sub Case No.> issued out of this Court at the instance of the Execution Creditor, <Name of Execution Creditor> and in default of your establishing such claim, the said property will be dealt with under the said process as property of the Execution Debtor, <Name of Execution Debtor>

REGISTRAR
STATE COURTS
SINGAPORE



Civil Justice Division

The State Courts

Website: www.statecourts.gov.sg

v1.2 - 29032018