

February 2011

Filing Liquidation Documents in the High Court

Recently one of CollectITs DIY subscribers (a company) attempted to file liquidation documents in the High Court. These documents asked the High Court to put our clients debtor company into liquidation for non-payment of the debt it owed.

The High Court rejected these documents on the basis that a company is not allowed to file documents in the High Court and must engage a solicitor to do so.

CollectITs subscriber had to contact a solicitor and not suprisingly was charged a fee to obtain the solicitors signature. The High Court was correct to reject the documents. Rule 5.36 of the High Court Rules states who has authority to file documents in the High Court. Where the claim is by a company, the claim can only be filed by a solicitor on behalf of that company. In addition only a barrister and/or solicitor may appear in the High Court on a company's behalf.

This is not the case in the District Court. In the District Court an appropriate representative of the company can appear in court in the company's behalf, and can file documents.

CollectIT approaches Minister of Justice

We are concerned with this rule as the whole point of the CollectIT system is to enable subscribers to chase and collect their debts through the courts themselves. It seems an anomaly that the District Court permits company representatives but the High Court does not. Also individuals may file documents and appear in the High Court, so there seems no good reason why corporations should be precluded.

We have written to the Minister of Justice, the Right Honourable Simon Power, explaining the situation and asking for clarification. We will advise the outcome in a future newsletter, so watch this space.

Do you have outstanding money?

At CollectIT we are actively pursuing debtors for our clients as well as making the whole process easier and more accessible for our diy subscribers, as the above information describes.

If you have outstanding money don't leave it any longer! Contact CollectIT on 07 834 911 or info@collectit.co.nz

Until next time

Success Story

Leamington Motor Services
Just so you know we are really impressed with your service! Love the way you keep in touch..it's awesome

Andrea Torcetti
Office Manager
Ph: 07 827 7340

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Case Study

Painter/Paperhanger
disputed \$16,000

Logan Moore is a self employed painter/paperhanger who is owed \$16,000.

Logan lodges the correct documentation in the District Court and the client files a defence.

As the amount claimed is larger than \$15,000 but less than \$20,000 the Disputes Tribunal can decide the matter if both parties agree.

Logan and his client agree to the matter being decided by the Disputes Tribunal. Their case is transferred by the District Court to the Disputes Tribunal (this is a quicker process).

Logan can use the CollectIT system to lodge his proceedings in the District Court, transfer them to the Disputes Tribunal and if he is successful, use CollectIT to ensure he can enforce the judgment and collect his



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