

# SAMPLE DEFAULT NOTICE

to create a

## HORSE AGISTMENT LIEN

under the *Impounding of Livestock Act 1994*

**TAKE NOTICE** that the horse owner whose details appear below (**the Owner**) is in default under an agistment agreement with the person who has issued this notice and whose details also appear below (**the Lien Holder**).

The agistment agreement relates to the agistment of the horse or horses described below (**the horse/horses**). The Owner is in default by not paying to the Lien Holder the money due under the agistment agreement (**the due amount**). Details of the due amount and how it is calculated appear below.

As a result, the Lien Holder holds a lien over the horse/horses under Part 3A of the *Impounding of Livestock Act 1994* (**Part 3A of the Act**), and may retain possession of the horse/horses until the lien is extinguished.

### Regaining Possession of Horse(s)

The Owner may recover possession of the horse/horses under Part 3A of the Act by:

1. paying the due amount OR, if the due amount covers a period of agistment of more than 3 months, the amount payable for an agistment period of 3 months; and
2. the amount of any additional expenses (including agistment fees) incurred by the Lien Holder in caring for the horse/horses from the date that this Default Notice was issued until the earlier of:
  - 60 days from that date;
  - the lien's extinguishment; and
3. the amount of any expenses in relation to the intended sale, exchange, disposal or destruction of the horse/horses that have been reasonably incurred by the Lien Holder.

Details of the expenses mentioned in paras 2 and 3 also appear below. You can obtain further details about these expenses by contacting the Owner in the manner described below.

### What the Lien Holder Can Do

If the Owner does not recover possession of the horse/horses within 28 days after the service of this Default Notice, the Lien Holder may sell, exchange, dispose of or destroy the horse/horses in accordance with the Act.

This Default Notice will be taken to have been served:

- if served personally on the Owner, on it being given to the Owner; or
- if served by registered post, on the day after the day that it is posted; or
- if the Owner's address is unknown and the Lien Holder has caused a notice to be published in the public notices section of a daily newspaper circulating generally in Victoria in accordance with the Act, on the day the newspaper is published.

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**Owner's Name:**

**Address:**

**Lien Holder's Name:**

**Address:**

**Telephone No:**

**Email Address:**

**Horse/Horses Being Agisted (Identification):**

**Due Amount: \$**

**How Due Amount Calculated:**

**Agistment Rate:**

**Additional Expenses Incurred by the Lien Holder:**

**Date of Issue of this Notice:**

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**If you wish to dispute the claims made in this Notice you should contact the Lien Holder as soon as possible or make application to the Victorian Civil and Administrative Tribunal (VCAT).**