

Remarks of the Court

Case number

Receipt notice of the Court

Application for legal aid approval and statement of assets

IMPORTANT : In order to enable your application to be processed, you must complete this form truthfully, correctly and comprehensively. Where not applicable, enter “no”, “none” or “zero” or delete the respective item; otherwise your information will be considered incomplete.

I herewith declare that all of the following information is truthful and comprehensive, and I acknowledge that in the event of the fraudulent acquisition of legal aid through untruthful or incomplete information

- I shall be required to reimburse the provisionally deferred sums as well as the cost of legal representation by an attorney-at-law;
- a wilful misrepresentation fine of up to CHF 25 000 may be imposed;
- a sum amounting to twice the court fees shall be payable;
- consequences under criminal law (e.g. criminal prosecution on the grounds of fraud) may occur;
- liability under civil law for all damage caused may be asserted.

Insofar as the designations used in this form refer to natural persons, the selected form applies to both genders.

This form should be completed only if the application for approval of legal aid is not submitted to be placed on the record.

I. APPLICATION FOR APPROVAL OF LEGAL AID

I herewith apply for legal aid (in whole or in part) in conjunction with the legal case (please name the parties to the case in full)

pertaining to the case number (only in the case of proceedings that are already pending).

1. Personal details

Surname/forename

Profession or occupation

Address (street, house number)

Postcode

Town

<input type="text"/>	<input type="text"/>
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Date of birth (DD/MM/YYYY)

Telephone number

Nationality

<input type="text"/>	<input type="text"/>	<input type="text"/>
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Marital status

2. Legal guardian

(only in the case of applicants who are minors or under legal guardianship)

Surname/forename

Address (street, house number)

Postcode

Town

<input type="text"/>	<input type="text"/>
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3. Language skills

I speak the German language

adequately

inadequately, and require an interpreter for the language specified opposite

4. Legal case

I require the legal aid

to bring legal proceedings, to submit a written statement to initiate proceedings or a petition in execution proceedings, in bankruptcy proceedings or under the Non-Contentious Proceedings Act ("Ausserstreitgesetz")

to apply for an injunction

to lodge an appeal in existing proceedings (case number, court)

as defendant, respondent/obligor to bring in a contestation in legal proceedings (case number, court)

to continue conducting the legal proceedings (case number, court)

for defence and representation (defendant, accused party, private party) in criminal proceedings

other (e.g. administrative proceedings)

Please provide precise information about the subject of the legal case for which you are requesting legal aid (e.g. money or other benefit, forbearance, toleration, surrender, trespass, declaratory decision, divorce, parental custody, maintenance etc.) and describe the facts of the matter upon which the case is based. Name the party against whom the claim is being brought (name, address).

State the reasons why you believe that you are entitled to the claim that is being asserted. Detail the level of the claim, and provide grounds for this. If you are contesting your opponent's legal claim, state the reasons why the opponent is not entitled to the claim.

5. Level of legal aid

I am applying for temporary relief from

- the court fees and other fees governed by statutory provisions
- the cost of official procedures outside the court
- the fees for witnesses, experts, interpreters, translators and assessors
- the cost of the necessary statements
- the cost of a curator (§ 10 ZPO)
- the necessary cash expenses of the appointed legal aid provider
- the security for the cost of the legal proceedings
- the travel expenses
- the cost of representation by an attorney-at-law

State why you are requesting the provision of an attorney-at-law to assist you in the legal proceedings free of charge (e.g. difficult factual or legal situation due to particular difficulties to be expected in the proceedings from a legal or factual perspective; course of the proceedings which is or could be beyond your control and understanding).

II. STATEMENT OF ASSETS TO OBTAIN LEGAL AID

1. My housing circumstances

Important notice: Supporting documents must be submitted in each case!

I live as an

- owner (co-owner)
- tenant (sub-tenant)
- family member with entitlement to support (e.g. in the apartment of my parents, grandparents, siblings)
- employee ("official residence")
- entitlement for one of the following other reasons (e.g. easement ["right of abode"], precarium ["provided free of charge until further notice"])

in the following rooms (number and nature of the rooms, together with size in m²)

I am required to pay the following monthly sum to use the residential apartment (including service charges, electricity, heating costs) in CHF

I enclose the following supporting documents as evidence for this

2. My income

Important notice: Supporting documents must be submitted in each case!

I am gainfully employed (employee, worker) by (name and address of the employer)

I am a pensioner (specify pension agency)

I draw a monthly **income** including all allowances and benefits, following deduction of public levies and contributions, but without deducting debts, amounting to (CHF)

I draw my income

12 times per annum

13 times per annum

times per annum

In my capacity as a self-employed person I have an annual net income of (CHF)

I receive

a different monthly income (e.g. unemployment support, social security, other grants)

amounting to (CHF)

from (specify the body or bodies providing the payments)

I have further income not listed in the above sections (e.g. life annuity, income from letting, leasing, subletting or usufruct, benefits from a foundation, income from shareholdings in companies, income from private pension insurance).

From amounting to (CHF) per month

From amounting to (CHF) per month

From amounting to (CHF) per month

I draw the following benefits/allowances (e.g. family allowances, housing benefit) amounting to

I enclose the following documents as proof of income:

– as a person in gainful employment (e.g. wage and salary statement, tax invoice, copy of tax return)

– as a self-employed person (e.g. tax invoice, copy of tax return, current list of balances, most recent financial statements, most recent statement of revenues and expenditure)

3. My assets

I am the owner (real estate properties, condominium units) of

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entered in the Land Register

Mortgageable

--	--

under (real estate property No.)

Purchase price (CHF) and year

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Fair value or commercial value / market value (CHF) Surface area

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Utilisation type/dedicated purpose

--

Level of the annual revenue (e.g. rental or lease income) (CHF)

--

I own the following company

Name/company name

--

Number of employees

Sales proceeds (CHF)

Balance sheet total (CHF)

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Credit balances (e.g. tax credit balance) (CHF)

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I have cash (banknotes and coins in wallet etc.) amounting to (CHF)

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I have the following bank accounts (bank, account number/IBAN and current bank balance)

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I have the following savings bank accounts (bank, account number/IBAN and current savings balance)

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I have the following savings agreements (financial institution, contract number, contract sum, saved sum, due date)

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I own the following securities (nature, quantity, par value – total market value)

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I own the following investment fund units (institution, investment fund number and current level)

I own the following motor vehicles, motorboats, sailing boats, camper vans (brand, model, year of manufacture, purchase price)

I own the following company stakes (e.g. shares in a company with limited liability – “GmbH”), (name/company name, current value)

I have the following life insurance policies (insurance company, type, contract number/number of the insurance certificate, insurance sum, level of the premiums, due date, current redemption value)

I have a legal expenses insurance policy (and/or a litigation funder)
insurance company, subject matter, contract number/policy certificate number, sum insured, full data of the litigation funder

Important notice: The cover note or the rejection of cover for this legal dispute by the legal expenses insurance company or litigation funder must be enclosed!

I have other claims (excluding maintenance claims) (does anyone owe you money or other assets?) (Name and address of the debtor, level of the claim, due date, recoverability)

I own other property rights or items (value, purchase price, year of procurement) (e.g. commercial rights, lease rights, copyrights, patents or company rights and similar)

I own development rights or real estate liens on land owned by others

I own other assets (antiques, works of art, Hi-Fi, jewellery, coins, collections etc.)

4. My debts

Important notice: Supporting documents must be submitted in each case!

Category

- Loans or credits (e.g. at mail-order companies, banks)
- other debts, namely

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Name address of the creditors, credit account numbers, level of the debts as well as the current monthly repayment obligations and instalment obligations

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Assets procured with these debts (e.g. residential apartment, house, car)

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Are any execution or insolvency proceedings currently being pursued against you?

Yes No

if yes, court

Case number

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5. My maintenance claims

Important notice: Applicants who are married or living in a registered partnership are also required to submit their own statement of assets on behalf of their respective spouse or registered partner.

I have maintenance claims against the following maintenance debtor (name, date of birth and address of the maintenance debtor)

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- if consisting of cash – the monthly level thereof in (CHF) per month

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Monthly income of the maintenance debtor (CHF)

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Important notice: You are required to enclose a supplementary sheet for each maintenance debtor, detailing their financial circumstances to the same level of detail as applies to your own financial circumstances in this statement of assets (that is to say, a comprehensive statement of assets, together with supporting documents, must be enclosed for each maintenance debtor)!

6. My maintenance obligations

Important notice: Supporting documents must be submitted in each case!

I have maintenance obligations towards the following persons (name and address of the maintenance creditor, in the case of children also including their age, the level of the maintenance obligations, insofar as these consist of cash)

Spouse, registered partner

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Former spouses, former registered partners (due to divorce/judicial dissolution, separation, marriage annulled or declared void, or registered partnership declared invalid)

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Children

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Other persons

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As proof of the maintenance obligations, I enclose (e.g. acknowledgement of paternity, court decision, settlement, proof of payment)

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Place,

date,

signature

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III. INFORMATION

1. What is legal aid?

Legal aid only provisionally exempts the parties to judicial proceedings from the obligation to pay the cost of their own legal proceedings.

IMPORTANT NOTICE :

If you lose the legal proceedings, you will be required to compensate the cost of the legal proceedings of the opposing party (this includes in particular their court expenses and lawyers' fees), **notwithstanding the legal aid that has been granted to you.**

Insofar as you have been granted legal aid, the **court** may within **ten years** of the end of the legal proceedings oblige you to pay all or part of the granted benefits **retrospectively**, insofar and as soon as you are able to do so without impairing the necessary maintenance. This **retrospective payment obligation** may also be imposed upon you if you win the legal dispute and as a consequence acquire sufficient assets. This also includes remuneration of the attorney-at-law assigned to you, in accordance with the applicable tariffs.

2. What are the criteria for the granting of legal aid?

Legal aid may be granted by the court only if the specific legal proceedings would lead to an impairment of the necessary maintenance. Necessary maintenance means the maintenance you require for yourself and for your family, for whose maintenance you are responsible, in order to maintain a simple standard of life. For legal aid to be granted, the planned legal action or legal defence **may not clearly be malicious or futile.**

3. To what extent is legal aid granted?

Legal aid is granted (in whole or in part) only to the extent that this is **absolutely necessary**. For this reason, the court may also oblige you pay corresponding **instalments**, insofar as the necessary maintenance is not impaired. Representation by an attorney-at-law may also be granted only in the event of a difficult material or legal situation.

Legal aid may be granted to the full extent only if the burden of the entire costs is unreasonable. If legal aid is granted, it will also be declared which of the possible benefits will be granted (in whole or in part).

IMPORTANT NOTICE :

If there is a significant improvement in the asset or income circumstances, including on account of changed family circumstances, this must be reported to the court of first instance without delay.

The party that has been awarded legal aid must in particular inform the court of first instance within four weeks of the conclusion of the legal proceedings about whether and to what extent he or she has been successful with his or her petition, and whether the cost of the proceedings have been reimbursed.

4. Where do I apply for legal aid?

The application for legal aid must be submitted to the court of first instance in writing or placed on the record. The application for legal aid may be lodged with the court of first instance or placed on the record at the earliest in conjunction with the statement of claim that initiates the legal proceedings, or in the case of a mandatory summons, in conjunction with the summons.

5. What do I need to consider in order to meet deadlines?

If the request for the appointment of an attorney-at-law is made in good time (that is to say, within the deadline applicable to the respective appeal or other procedural measure), the application for legal aid shall suspend this deadline; this shall recommence, if the request is granted, with the delivery of the notice of appointment to the lawyer; if the request is rejected, once the ruling that rejects the application becomes res judicata.

6. What do I need to consider when completing the form?

- If there is insufficient space on the present form, please enclose a **supplementary sheet** in which you provide the details required.

- Each field must be completed truthfully. **Where applicable**, enter "no", "none" or "zero" or delete the respective term; otherwise your information will be considered incomplete. Imprecise, inaccurate or incomplete information may lead to a court order to provide improvement. If you fail to comply with the improvement order within the specified deadline, your application will be rejected.

- False or incomplete information (e.g. lack of supporting documents) in this application may lead to **detrimental legal consequences** for you (please see the information set out at the start of the form "Application for legal aid and statement of assets").

- Please enclose all **necessary written documents** for your application (copies are essentially sufficient).

7. Where can I turn to obtain additional information or support?

If you have any further questions, please contact the court of first instance for additional information. The court will be able to assist you, however, only if any possible deadlines have not expired and you bring all relevant documents with you.