

INFORMATION SHEET

PLAINTIFF _____

(If company quote ACN NUMBER) _____

ADDRESS _____

TELEPHONE NUMBER _____

POSTAL ADDRESS _____

DEFENDANT _____

(If company quote ACN NUMBER) _____

ADDRESS _____

TELEPHONE NUMBER _____

POSTAL ADDRESS _____

SERVICE DETAILS

SERVICE BY THE PLAINTIFF: _____

OR YOU MAY NOMINATE YOUR OWN PRIVATE BAILIFF:

NOTES:

If the defendant is a company or business, a company or business search is required before filing and MUST BE ATTACHED to the statement of claim.

Company searches are available from the Harbourview Building, Bennett Street Darwin and Business searches are available from Development House, The Esplanade Darwin City.

FORM 7B
Small Claims Act

Rule 7.02(1)(b)

STATEMENT OF CLAIM ARISING FROM MOTOR VEHICLE COLLISION

IN THE LOCAL COURT
AT _____

Claim No. _____

Between the _____ Full name
plaintiff : (Person _____ Address for
claiming money) _____ service

and

the defendant : _____ Full name
(Person claimed _____ Address
against) _____

TO THE DEFENDANT

The plaintiff claims that you owe the plaintiff the amount of \$(Debt) in respect of a motor vehicle collision on the following grounds: (*Give particulars.*)

WHAT IS THE NATURE OF YOUR CLAIM? (eg. costs of repairs to motor vehicle; costs of repairs to damaged fence.) _____

WHERE DID YOUR CLAIM ARISE? (eg. Give the location of the collision, and in the space below or on a separate piece of paper draw a sketch plan of the collision with names of roads etc, identify your vehicle as "1", the vehicle driven by the defendant as "2" and any other vehicles involved as "3", "4" etc.) _____

WHEN DID YOUR CLAIM ARISE? _____

HOW DID THE COLLISION HAPPEN? (you must set out here in as much detail as you can how the collision happened and why you believe the defendant is at fault. If the space is insufficient you may attach other sheets.)

HOW MUCH ARE YOU CLAIMING? (you must attach an itemised quotation giving full details of damage.)

The plaintiff seeks an order by the Court that you pay \$(Total) to the plaintiff.

Signature of plaintiff

Filed: _____

Registrar

(*Please print legibly.*)

Name of plaintiff's solicitor (if any): _____

Solicitor's reference number: _____

Name, business address, telephone and facsimile numbers of solicitor's firm: _____

If solicitor acting as agent — name, business address, telephone and facsimile numbers of agent:

NOTES FOR PLAINTIFF

This Statement of Claim is to be served **personally** on the defendant. You may serve the form or arrange for service by a private bailiff or licensed process server.

This form is to be served not later than 12 months after the filing date. If you cannot serve the defendant in this time, contact the Court staff for advice.

If you wish to serve the document outside the Northern Territory, contact the Court staff for advice.

Not later than 28 days after the date of service, the person serving these documents must return one copy to the Court with the declaration of service below completed and signed.

INSTRUCTIONS FOR DEFENDANT — PLEASE READ CAREFULLY

1. If you wish to defend the claim **YOU MUST, NOT LATER THAN 28 DAYS** after being served with this claim —
 - (a) complete part A of this document;
 - (b) return a copy of the document to the Court; and
 - (c) serve a copy of the document on the plaintiff.
2. If you wish to admit all or part of the claim or make an offer to pay **YOU MUST, NOT LATER THAN 28 DAYS** after being served with this claim —
 - (a) complete Part B of this document;
 - (b) return a copy of the document to the Court; and
 - (c) serve a copy of the document on the plaintiff.
 - (d) if you make an offer to pay the money owing, you need to attach a Declaration of Financial Circumstances (Form 22c). These are obtainable from any Court Registry. It is important that you fill the form out completely and attach it to your offer to pay. If the form is not attached, the Registrar will NOT make an instalment order.

If you make an offer to pay less than the full claim, you should also defend the remainder of the claim.

3. If you have a claim against the plaintiff **YOU MUST, NOT LATER THAN 28 DAYS** after being served with this claim —
 - (a) complete Part C and either Part A or Part B of this document;
 - (b) return a copy of the document to the Court; and
 - (c) serve a copy of the document on the plaintiff.
 4. If you do not take one of the above steps within 28 days, the plaintiff may obtain an order against you and may enforce the order against your property.
 5. If you have to go to Court, a notice will be sent to your address for service.
 6. If you are uncertain about what to do, contact the Court. A Guide to Small Claims is available free from the Court to assist you.
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PART A

Rule 8.02(1)(a)

NOTICE OF DEFENCE

TO THE PLAINTIFF

I intend to defend the claim against me on the following grounds: *(State your defence(s) and the particulars of defence, including a summary of facts on which you rely.)*

COUNTERCLAIM

Rule 9.01(1)

(Complete if you have a claim against the plaintiff.)

The defendant claims against you —

* the amount of \$ _____

* an order for —

The claim is made on the following grounds: *(Give a concise statement of the nature of your claim and the facts on which it is based.)*

Date claim arose: _____

Place claim arose: _____

Signature of Defendant

Name

Filed: _____

Registrar

(Please print legibly.)

Defendant's address for service: _____

Name of Defendant's solicitor (if any): _____

Solicitor's reference number: _____

Name, business address, telephone and facsimile numbers of solicitor's firm: _____

If solicitor acting as agent — name, business address, telephone and facsimile numbers of agent:

PART B

Rule 11.03(2)(a)

NOTICE OF ADMISSION

* I admit the plaintiff's entire claim against me.

* I admit the plaintiff's claim to the following extent: *(State the facts you admit in favour of the plaintiff.)*

(YOU DO NOT HAVE TO MAKE AN OFFER TO PAY.)

I OFFER TO PAY the plaintiff the amount of \$ _____ in satisfaction of the claim. I offer to pay this amount —

* in full.

* in instalments of \$ _____ per _____ .

Defendant's signature

Witness's signature

Name

Name

Address for service:

Contact address or telephone no.

* Check Box if applicable.

If you complete any part of Part B, your signature must be witnessed before a person who is 18 or over.

DECLARATION OF SERVICE

Rule 7.04(2)

I, _____
(full name)

of _____
(address)

do solemnly and sincerely declare that I served

_____ *(name of person served)*

with a copy of this statement of claim —

* at _____
(place)

at _____ on _____
(time) (day) (date) (month) (year)

- * by handing it to that person.
- * by putting it down in the person's presence and telling that person the nature of the document.

The person named above is —

- * the defendant.
- * a director of the defendant corporation. #
- * a partner of the defendant firm
- * a person at the defendant firm's place of business who is apparently in the service of the person carrying on business in the name of the defendant and who is apparently of or above the age of 16 years
- * the resident agent of the defendant firm
- * a person apparently in the service of the resident agent of the defendant firm and who is apparently of or above the age of 16 years.

I identified the person named above as follows:

- * by leaving it at / sending it by post to the registered office of the defendant corporation.
- * by leaving it at / sending it by post to the office of the liquidator / official manager of the defendant corporation.
- * by sending it registered post / as certified mail addressed to the defendant firm at its place of business/resident agent's address in the Territory.
- * Annexed hereto and marked "A" is a true copy of the document evidencing service of the statement of claim by mail.

And I make this solemn declaration by virtue of the *Oaths Act* conscientiously believing the statements contained in this declaration to be true in every particular.

Declared at _____

On _____

.....
Signature of person making declaration

* Check Box if applicable.

Where a statement of claim is served personally on the directors, it must be served on each of 2 directors who reside in Australia or the External Territories unless the corporation has only 1 director.

NO WITNESS IS REQUIRED FOR THIS DECLARATION

A person wilfully making a false statement in a declaration is liable to a penalty of \$2,000 or imprisonment for 12 months, or both.