

INFORMATION SHEET

PLAINTIFF.....

(If company quote ACN NUMBER)

ADDRESS

TELEPHONE NUMBER

POSTAL ADDRESS

EMAIL 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 an individual trading as a business a business search is required OR if the defendant is a company trading as a business, a business search and a company search is required before filing and it is **RECOMMENDED THAT IT BE ATTACHED** to the Statement of Claim.

Business searches and Company Searches are available on line at www.connectonline.asic.gov.au

FORM 7A
Small Claims Act

Rule 7.02(1)(a)

STATEMENT OF CLAIM FOR DEBT OR DAMAGES

IN THE LOCAL COURT
AT _____

Claim No. _____

Between	.....	full name
the plaintiff:		
(person	.....	address
claiming money	.....	for service
	and	
	.....	name
the defendant:		
(person	.....	address
claimed against)	.....

TO THE DEFENDANT

The plaintiff claims that you owe the plaintiff the amount of \$_____ on the following grounds: *(Give a concise statement of the nature and particulars of your claim and how the amount claimed is calculated or estimated.)*

Date claim arose: _____

Place claim arose: _____

The plaintiff seeks an order by the Court that you pay \$_____ to the plaintiff.
Is interest claimed under a written agreement? Yes / No
If yes, at what rate: _____%

.....
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: _____

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.*)

**PART C
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. Make sure that you also complete Part A – Defence.)*

(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 (make sure you have attached your declaration of financial circumstances) —

* in full.

* in instalments of \$_____ per _____.

..... Defendant's signature	..... Witness's signature
Name	Name
.....	
Address for service:	Contact address or telephone no.
.....
.....

* Delete if applicable

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

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.

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 by 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

* Delete if inapplicable.

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.