**FORM 7B**

*Small Claims Act*

Rule 7.02(1)(b)

**STATEMENT OF CLAIM ARISING FROM MOTOR VEHICLE COLLISION**

IN THE LOCAL COURT Claim No. \_\_\_\_\_\_\_\_\_\_\_\_\_

AT \_\_\_\_\_\_\_\_\_\_\_\_

Between ...........................…………….. name

the plaintiff:

(*person claiming* ...............…………….............. address

*money)*

 ....................……………......... for service

and ...…………….......................... name

the defendant:

(*person claimed* ...........................…………….. address

*against*)

 ...................……………..........

TO THE DEFENDANT

The plaintiff claims that you owe the plaintiff the amount of $\_\_\_\_\_\_\_\_\_\_\_\_in respect of a motor vehicle collision on the following grounds: (*Give particulars — see notes for plaintiff.*)

The plaintiff seeks an order by the Court that you pay $\_\_\_\_\_\_\_\_\_ 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, address, telephone and facsimile numbers of agent:

**NOTES FOR PLAINTIFF**

**YOUR CLAIM**

WHAT IS THE NATURE OF YOUR CLAIM? (*e.g. cost of repairs to motor vehicle; cost of repairs to damaged fence*.)

WHERE DID YOUR CLAIM ARISE? (*Give the location of the collision, and in the space below draw a sketch plan of the collision with names of roads, &c., identify your vehicle as "1", the vehicle driven by the defendant as "2" and any other vehicles involved as "3", "4", "5", &c.*)

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.*)

**SERVICE OF CLAIM**

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.

 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.

 **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 concise statement of the nature of the claim and the facts on which it is based.*)

...............…………........

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.

.......…………………............... ...........……………………...........

............…………………............ ..............……………………........

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

**NB: If you are offering to pay by instalments please contact the court office and obtain a copy of the Declaration of Financial Circumstances Form 22C (not a Corporation) or Form 22D (is a Corporation). This form is required before the Admission and offer to pay by instalments can be processed.**

**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**