

FIRST SCHEDULE

TABLE OF FORMS

- 1 Front sheet
- 2 Ex parte summons
- 3 Inter partes summons
- 4 Statement of claim / orders sought
- 5 Summons under Part XVII of the Real Property Act 1886
- 5A Verifying Affidavit/Affirmation/Statement of Facts
- 6 Address for service / and of solicitor
- 7 Notice of change of address for service
- 8 Defence (and counterclaim)
- 9 Reply
- 10 Certificate of service of foreign process or citation
- 11 Notice of summons to be served out of the jurisdiction
- 12 Request for service abroad pursuant to convention
- 13 Third party notice
- 14 Contribution notice
- 15 Notice of payment into court
- 16 Notice to admit
- 17 Application for directions
- 18 Notice for specific directions
- 19 List of documents
- 20 Notice to produce
- 21 Order for possession of property forming a security for payment to the plaintiff of any principal or interest
- 22 Summons for possession under Rule 65.07
- 23 Letter of request
- 24 Subpoena
- 25 Request for issue of subpoena(s)
- 26 Warrant of sale
- 27 Warrant of possession
- 28 Warrant of arrest
- 29 Request for issue of summons, order or warrant
- 30 Registrar's summons for contempt
- 31 Notice of registration of judgment under the Foreign Judgments Act 1991
- 32 Notice of registration of judgment under the Foreign Judgments Act 1971
- 33 Summons for examination in respect of a judgment debt
- 34 Garnishee order
- 35 Notice of claim to property subject to execution
- 36 Short form bill of costs
- 37 Notice of appeal pursuant to section 42 of the Magistrates Court Act 1991
- 38 Notice of appeal pursuant to section 40 of the Magistrates Court Act 1991
- 38A Notice of appeal (General)
- 39 Certificate of non-compliance with subpoena
- 40 Certificate of readiness for trial
- 41 Application under Section 59ie of the Evidence Act 1929
- 42 Affidavit
- 43 *Deleted*
- 44 *Deleted*
- 45 Other documents
- 46 Request for electronic processing of matter
- 47 Minutes of order
- 48 Praecipe to set down Full Court appeal

FDN *[computer generated]*

IN THE SUPREME [DISTRICT] COURT OF SOUTH AUSTRALIA

No of

BETWEEN

[Name] [and Another / Others], [Nature of Party / Parties]

and

[Name] [and Another / Others], [Nature of Party / Parties]

[Document type, e.g. Inter Partes Summons, Third Party Notice, etc.]

Filed on behalf of the *[Nature of Party / Parties]*, *[Name(s)]* by *[Solicitor]*

[OR]

Filed by *[Nature of Party / Parties] [Name(s)]*

[Address] [Mandatory Field]

[Telephone]

[Mobile]

[Facsimile]

[DX Box]

[Email]

[L' Code]

[P' Code]

Settled by:

Date and time of filing or transmission: *[Computer generated if filed electronically]*

EX PARTE SUMMONS

Summons issued [by / on behalf of] [Name(s) of Party / Parties], of [Address(es)]

The following orders are sought:-

Summons issued pursuant to [Section [No] of the [Act]]
[or] [Rule [No.] of the [Court] Rules].

It is requested that this summons be heard and determined by the Court without attendance on behalf of any other party.

The above application will be heard by a [Judge/Master] in Chambers at [Place] at [Time] am/pm, on [date] [month] [year].

[Signed]
[Solicitor for the Plaintiff(s)]
[OR]
[Plaintiff(s)]

NOTE : If this document is filed electronically, the initials and name(s) of the issuing Solicitor or Party/Parties should be typed in, in lieu of a signature.

INTER PARTES SUMMONS

Summons issued [by/on behalf of] [Name (s) of Party/Parties] of [Address (es)].

To the [Defendant(s)], [Name(s)], of [Address (es)]

You are advised that the Plaintiff(s) make(s) a claim against you or which may affect you. Details of the claim and orders sought are attached.

If you wish to defend the claim, you or your solicitor must file a Notice of Address for Service within [number] days after service of this Summons on you.

The Notice of Address for Service must be filed either electronically through the Website of the Courts Administration Authority (www.courts.sa.gov.au) in the case of a proceeding commenced using the Court electronic filing system or at a Registry of the Court. A list of the Registry addresses is attached.

If you do not have a Solicitor, you may attend personally at a Registry to do this.

If a Notice of Address for Service is not filed within the time stated, orders may be made against you in your absence.

Summons issued pursuant to [Section [No.] of the [Act]]

[or] [Rule [No.] of the [Court] Rules].

This Summons has the following statutory endorsements under Section [No.] of the [Act] [or] Rule [No.] of the [Court] Rules:

[Signed]
[Solicitor for the Plaintiff(s)]

[OR]

[Plaintiff(s)]

NOTES : 1. If this document is filed electronically, the initials and name(s) of the issuing Solicitor or Party/Parties should be typed in, in lieu of a signature.

2. A list of Registry addresses must be attached if the summons is filed in hard copy. It will be computer generated if filed electronically.

STATEMENT OF CLAIM / ORDERS SOUGHT

Part 1:

The facts and basis of the claim are:-

Part 2:

The orders sought are:-

Certificate :

This pleading is put forward in accordance with the instructions of the [*Nature of Party / Parties*], [*Name(s)*], by [*Name of File Principal*], who certifies that it complies with the Rules concerning pleadings.

[*Signed*]

Print Name :.....

Date

NOTE:

If this document is filed electronically, the initials and name(s) of the issuing Solicitor or Party/Parties should be typed in, in lieu of a signature.

**SUMMONS UNDER PART XVII
OF THE REAL PROPERTY ACT 1886**

Summons issued [by/on behalf of] [Name (s) of Party/Parties] of [Address (es)].

To the [Defendant(s)], [Name(s)], of [Address(es)].

The Plaintiff(s) make(s) a claim against you for an order for possession of the following property:

[Detailed description of property, to include address and certificate of title Volume and Folio reference(s)]

The detailed facts alleged and orders sought by the Plaintiff(s) are set out in the affidavits filed in the proceedings in support of this summons, copies of which are served herewith.

If you wish to defend the claim, you must attend either personally or by solicitor at [Place of Hearing] on the day of 20 at am/pm, when the matter will be heard.

If no-one attends at this time, the order(s) sought, or some other order may be made in your absence.

This Summons is issued pursuant to Part XVII of the Real Property Act, 1886, and Rule 65 of the Supreme Court Rules, 1987.

[Signed]
[Solicitor for the Plaintiff(s)]

[OR]

[Plaintiff(s)]

NOTE : If this document is filed electronically, the initials and name(s) of the issuing Solicitor or Party/Parties should be typed in, in lieu of a signature.

VERIFYING AFFIDAVIT / AFFIRMATION / STATEMENT OF FACTS

I, [Full name, address and occupation] [MAKE OATH AND SAY]:-

[DO SOLEMNLY AND SINCERELY DECLARE
AND AFFIRM]:-

[MAKE THE STATEMENT WHICH FOLLOWS]:-

1. That I am [the Plaintiff / one of the Plaintiffs / an Agent of the Plaintiff(s) duly authorised to verify the Statement of Claim herewith. If an agent, specify the nature of the agency and how it arises].

2. [Here set out, in successive numbered paragraphs, the following factual information --

(1) a detailed description of the relevant property, including its address and the Volume and Folio reference of the certificate (s) of title.

(2) the nature of the title of the defendant (s) to that property.

(3) the basis of the status of the plaintiff (s) to bring the claim. (Copies of the relevant certificate of title and any security or other relevant documents upon which the claim is based should be exhibited) This paragraph should state whether the Consumer Credit (South Australia) Act, 1955, applies to the contract.

(4) the facts and circumstances relied upon as giving rise to a present right of possession of the relevant property (These should include particulars of the computation of any monies claimed by the plaintiff (s), details of any default said to have been made by the defendant (s) under a relevant security, and particulars of service of any relevant notice of default. A copy of any such notice should be exhibited and verified. Due service of the notice should be proved by separate affidavit/affirmation/statement of facts, where appropriate.)

(5) any other facts and circumstances relevant to the proceedings.]

3. That I understand that if the statements made above contain material that I know to be false or misleading, I may be found guilty of contempt of Court and I may be liable to be prosecuted for criminal offences.

[Sworn / Affirmed] by the abovenamed [Deponent / Affirmant]

at [Place]

on *[Date]*

.....
[Signature of Deponent / Affirmant]

Before me *[Signature of JP / Commissioner]*
[Print Name of JP / Commissioner]
[ID Number of JP / Commissioner]

[OR]

Made by the abovenamed maker

at *[Place]*

on *[Date]*

.....
[Signature of Maker]

In my presence *[Signature of Attesting Witness]*
[Print Name of Witness]
[ID Number of Witness, where relevant]

NOTES : 1. In the case of a document filed electronically, the initials and names of the relevant signatories and other information in the jurat should be typed in the appropriate spaces.

2. Delete any inapplicable alternatives.

ADDRESS FOR SERVICE /AND OF SOLICITOR

The [*Nature of Party / Parties*], [*Name(s)*] acknowledge/s service of the [*document*] in this action.

The address for service of such [*Nature of Party / Parties*] is shown on Form 1 attached hereto.

[*Signed*]
[*Solicitor for the abovenamed [Nature of Party / Parties],[Name(s)]*]
[*OR*]
[*Name(s)*],[*Nature of Party / Parties*]

NOTE : If this document is filed electronically, the initials and name(s) of the issuing Solicitor or Party/Parties should be typed in, in lieu of a signature.

NOTICE OF CHANGE OF ADDRESS FOR SERVICE

The address for service of the [*Nature of Party / Parties*], [*Name(s)*] is now as shown on Form 1, attached hereto.

[*Signed*]
[*Solicitor for the [Nature of Party / Parties],[Name(s)]*]
[*OR*]
[*Name(s)*],[*Nature of Party / Parties*]

NOTE : If this document is filed electronically, the initials and name(s) of the issuing Solicitor or Party/Parties should be typed in, in lieu of a signature.

DEFENCE (AND COUNTERCLAIM)

DEFENCE

In answer to the statement of claim the *[Nature of Party / Parties]*, *[Name(s)]* say(s):

[Plead as required by Rules 22 and 46A.05, in successive numbered paragraphs]

[If applicable]

COUNTERCLAIM

The *[Nature of Party / Parties]*,*[Name(s)]* counterclaim(s) against the *[Nature of Party / Parties]*, *[Name(s)]*.

Part 1:

The facts and basis of the claim are:

Part 2:

The orders sought are:

Certificate :

This pleading is put forward in accordance with the instructions of the *[Nature of Party / Parties]*, *[Name(s)]*, by *[Name of File Principal]*, who certifies that it complies with the Rules concerning pleadings.

[Signed]

Print Name :

Date

Note: If this document is filed electronically, the initials and name(s) of the issuing Solicitor or Party/Parties should be typed in, in lieu of a signature.

REPLY

In answer to the defence of the [*Nature of Party / Parties*], [*Name (s)*] say(s):

[Plead in successive numbered paragraphs]

[If applicable]

In answer to the counterclaim of the *Nature of Party / Parties*], [[*Name (s)*]] the *Nature of Party / Parties*], [*Name(s)*] say(s):

[Plead in successive numbered paragraphs]

Certificate :

This pleading is put forward in accordance with the instructions of the [*Nature of Party / Parties*], [*Name(s)*], by [*Name of File Principal*], who certifies that it complies with the Rules concerning pleadings.

[*Signed*]

Print Name :.....

Date

Note: If this document is filed electronically, the initials and name(s) of the issuing Solicitor or Party/Parties should be typed in, in lieu of a signature.

CERTIFICATE OF SERVICE OF FOREIGN PROCESS OR CITATION

[Supreme Court Only]

I, [*Full Name*] the Registrar of the Supreme Court of South Australia, HEREBY CERTIFY that the documents annexed hereto are as follows:

- (1) The original Letter of Request for service of process received from the [*Court / Tribunal*] at [*Address*] in the matter of [*Name(s) of Plaintiff (s)*] v [*Name(s) of Defendant (s)*];
- (2) The process received with such Letter of Request; and
- (3) A copy of the evidence of service upon the person named in such Letter of Request.

And I certify that the cost of effecting such service amounts to the sum of \$AUD [*Amount in Dollars*], which amount is to be remitted by the requesting [*Court / Tribunal*] to the Treasurer for South Australia, at Adelaide.

[*Facsimile Seal*][*Name*]

For Registrar

**NOTICE OF SUMMONS TO BE SERVED
OUT OF THE JURISDICTION**

To the [*Defendant(s)*], [*Name(s)*] of [*Address(es)*].

TAKE NOTICE that [*Name(s) of Plaintiff(s)*] of [*Address(es) of Plaintiff(s)*] has / have commenced an action against you in the [*Court*] of South Australia by a Summons issued on [*date issued*] in [*Action No.*]. Copies of the Summons and the detailed Statement of Claim are attached hereto.

You must within [*number*] clear days of the service of this Notice upon you, file a notice of address for service in accordance with the Rules of Court in the Registry of the [*Court*] of South Australia, at [*address*] in the State of South Australia if you wish to defend the action.

If you do not file such a notice of address for service, judgment may be given against you in your absence, without further notice.

[*Signed*]
[*Solicitor for the Plaintiff(s)*]
[*OR*]
[*Plaintiff(s)*]

**REQUEST FOR SERVICE ABROAD
PURSUANT TO CONVENTION**

I request that a [*Notice of Summons OR other document as the case may be*] in this action, be transmitted through the proper channel to [*Name of Country*] for service on the Defendant, [*Name(s) of Defendant(s)*] at [*Address(es) of Defendant(s)*] or elsewhere in [*Name of Country*] directly through [*an Embassy, High Commission, Consul or relevant Judicial Authority*].

I personally undertake to be responsible for all expenses incurred by the Attorney- General for South Australia in respect of the service hereby requested.

On receiving due notification of the amount of such expenses I undertake to pay the same to the Attorney-General's Office, and to produce the receipt for such payment to the proper officer of the [*Court*].

[*Signed*]

[*Solicitor for the Plaintiff(s)*]

[*OR*]

[*Plaintiff(s)*]

THIRD PARTY NOTICE

To the [*Third Party / Parties*], [*Name(s)*] of [*Address(es)*].

This action has been brought by the Plaintiff(s) against the Defendant(s). The Plaintiff's(s') claim against the Defendant(s) is set out in the copy Summons and Statement of Claim attached hereto.

The Defendant(s), [*Name(s)*], claim(s) against you on the grounds contained in the separate Statement of Claim also attached hereto.

If you wish to dispute the Plaintiff's (s') claim against the Defendant, or the Defendant's (s') claim against you, you must file a Notice of Address for Service within [*number*] clear days after the service of this Notice upon you and then file a Defence, in accordance with the Rules of Court.

The Notice of Address for Service must be filed either electronically through the Website of the Courts Administration Authority (www.courts.sa.gov.au) in the case of a proceeding commenced using the Court electronic filing system or a Registry of the [*Court*] of South Australia. A list of the Registry addresses is attached.

If you do not have a Solicitor, you may attend personally at a Registry to do this.

Unless you file a Notice of Address for Service and Defence, you will not be entitled to challenge the Defendant's(s') liability to the Plaintiff(s) and will be taken to have admitted the Defendant's(s') claim against you, and your liability to reimburse or contribute to the amount of judgment in favour of the Plaintiff(s). A judgment in respect of such liability may be given against you without further notice.

[*Signed*]:
[*Solicitor for the [Nature of Party / Parties]*]

[*OR*]

[*Name(s)*], [*Nature of Party / Parties*]

NOTES : 1. If this document is filed electronically, the initials and name(s) of the issuing Solicitor or Party/Parties should be typed in, in lieu of a signature.
2. A list of Registry addresses must be attached if the summons is filed in hard copy. It will be computer-generated if filed electronically.

CONTRIBUTION NOTICE

To the [*Nature of Party / Parties*], [*Name(s)*]

In this action the [*Nature of Party / Parties*], [*Name(s)*], of [*Address(es)*], claim(s) relief against you as follows.

Part 1:

The facts and basis of the claim are:-

Part 2:

The orders sought are:-

[*Signed*]
[*Solicitor for the [Nature of Party / Parties]*]
[*OR*]
[*Name(s)*],[*Nature of Party / Parties*]

NOTE : If this document is filed electronically, the initials and name(s) of the issuing Solicitor or Party/Parties should be typed in, in lieu of a signature.

NOTICE OF PAYMENT INTO COURT

To the Registrar, [Court].Court

To the [Nature of Party/Parties], [Name(s)].

On [Date] the [Nature of Party / Parties], [Name(s)] has paid \$AUD [Amount] into Court with an [admission / denial] of liability and says that this sum is sufficient to satisfy the [Nature of Party/Parties], [Name(s)] claim(s) in this action.

[NOTE : If there is more than one cause of action and a specific amount is allotted to a particular cause of action, and if a set off or counterclaim has been taken into account, this must also be expressly stated.]

[Signed]:
[Solicitor for the [Nature of Party / Parties]]
[OR]
[Name(s)],[Nature of Party / Parties]

NOTICE TO ADMIT

To the [*Nature of Party / Parties*], [*Name(s)*].

You are required, within fourteen clear days or such other extended time as may be fixed by the Court or agreed between the parties, to admit or specifically deny the truth of the following facts:

[*Where relevant -*

You are also required to admit, or specifically deny, within the time specified above the authenticity and admissibility of the following documents, or set forth in detail your reasons for refusal to do so. True copies are attached.]

[*Signed*]
[*Solicitor for the [Nature of Party / Parties]*]
[*OR*]
[*Name(s)*],[*Nature of the Party / Parties*]

NOTE : If this document is filed electronically, the initials and name(s) of the issuing Solicitor or Party/Parties should be typed in, in lieu of a signature.

APPLICATION FOR DIRECTIONS

To the [*Nature of Party / Parties*][*Name(s)*].

The [*Nature of Party / Parties*][*Name(s)*] apply/ies for the following orders or directions:-

- 1. General directions.

- 2. [*Other specific directions or orders*]

Application made pursuant to Section [*No.*] of the [*Act*]
[*or*] Rule [*No.*] of the [*Court*] Rules.

You will be notified separately of the time and place of the hearing of the application.

[*Signed*]
[*Solicitor for the [Nature of Party / Parties]*]
[*OR*]
[*Name(s)*],[*Nature of the Party / Parties*]

NOTE : If this document is filed electronically, the initials and name(s) of the issuing Solicitor or Party/Parties should be typed in, in lieu of a signature.

NOTICE FOR SPECIFIC DIRECTIONS

To the *[Nature of Party / Parties]* *[Name(s)]*.

The *[Nature of Party / Parties]* *[Name(s)]* intend/s to apply to the court for specific directions in this action as follows:-

[Details of Orders to be sought]

The application will be made pursuant to Section *[No.]* of the *[Act]*
[or] Rule *[No.]* of the *[Court]* Rules.

The above application will be heard by a *[Judge / Master]* in Chambers at *[Place]* at *[time]* am / pm, on the *[date]* *[month]* *[year]*.

[Signed]
[Solicitor for the [Nature of Party / Parties]]
[OR]
[Name(s)], [Nature of the Party / Parties]

NOTE : If this document is filed electronically, the initials and name(s) of the issuing Solicitor or Party/Parties should be typed in, in lieu of a signature.

LIST OF DOCUMENTS

To the *[Nature of Party / Parties]*, *[Name(s)]*.

The *[Nature of Party / Parties]*, *[Name(s)]* make(s) discovery as follows:-

1. The documents which are at present in the possession, custody or power of such *[Party / Parties]* and directly relevant to any issue arising on the pleadings -
 - (a) for which privilege is not claimed are:

[Numbered list of documents]
 - (b) for which privilege is claimed are:

[Numbered list of documents specifying grounds on which privilege is claimed]

2. The documents which have been, but are no longer in possession, custody or power of the said *[Party / Parties]* and directly relevant to any issue arising on the pleadings are -

[Numbered list of documents stipulating when they were last in the possession, custody or power, and what happened to them.]

3. The *[Nature of Party / Parties]*, by this list of documents, has / have now fully discharged the obligations of such *[Nature of Party / Parties]*, as at the date of delivery of this list, regarding discovery of documents in this action.

[Signed]

[Solicitor for the [Nature of Party / Parties]]

[OR]

[Name(s)], [Nature of the Party / Parties]

NOTE : If this document is filed electronically, the initials and name(s) of the issuing Solicitor or Party/Parties should be typed in, in lieu of a signature.

NOTICE TO PRODUCE

To the [*Nature of Party / Parties*], [*Name(s)*].

You are required to produce and show to the Court at the trial of this action, the following documents which are in your possession, custody or power:-

[*Numbered paragraphs describing each of the documents for which production is sought.*]

[*Signed*]
[*Solicitor for the [Nature of Party / Parties]*]
[*OR*]
[*Name(s)*],[*Nature of the Party / Parties*]

NOTE : If this document is filed electronically, the initials and name(s) of the issuing Solicitor or Party/Parties should be typed in, in lieu of a signature.

**ORDER FOR POSSESSION OF PROPERTY FORMING
A SECURITY FOR PAYMENT TO THE PLAINTIFF OF
ANY PRINCIPAL OR INTEREST**

Judicial Officer(s): [The Honourable.....
His/Her Honour Judge.....
[Master of the Supreme Court]]

Date of Summons: [DD/MM/YYYY]

Date (s) of hearing: [DD/MM/YYYY]

Date of order:[DD/MM/YYYY]

Appearances: [Solicitor/Counsel] for the [Nature of Party/Parties], [Name(s)]

THE COURT ORDERS THAT:

1. The [Defendant(s)] [Name(s)] give[(s)] the Plaintiff [(s)] possession within [number] days of the service of a copy of this Order on [him / her / them] of the land subject to Memorandum of Mortgage, Registered No. [number], being:-

- (1) Description of land – [Address]
- (2) Title Reference – Volume..... Folio.....

2. [Specify any other relief granted, pursuant to Rule 63.13]

3. The Plaintiff [(s)] recover from the said Defendant [(s)] the sum of \$AUD [Amount] for the costs of these proceedings [or "the costs of these proceedings to be taxed"].

4. [If appropriate]

If the said Defendant [(s)] pay(s) to the Plaintiff [(s)] all the moneys secured by the above Memorandum of Mortgage, the Plaintiff [(s)] (subject and without prejudice to the due exercise of any power of sale under that security) is/are to re-deliver possession of the property to the said Defendant [(s)] and discharge the Memorandum of Mortgage.

5. Any party be at liberty to apply to the Court for the discharge or a variation of this Order.

NOTE :

If the within-named defendant [(s)] [does / do] not give up possession of the land referred to in this Order by the time specified, all persons then in possession of the land may be forcibly ejected from the land by the Sheriff. [This text may need to be modified to suit circumstances of the case.]

[Facsimile Seal]

[Name]

For Registrar

SUMMONS FOR POSSESSION UNDER RULE 65.07

Summons issued *[by/on behalf of]* *[Name (s) of Party/Parties]* of *[Address (es)]*.

To the *[Nature of Party/Parties]*, *[Name(s)]*, of *[Address(es)]*

You and any other person(s) occupying the premises hereinafter referred to, are to attend the *[Court]* at *[address of Court or Registry]* on *[day]*, the *[date]* day of *[month]* 20 , at *[time]* *am/pm* on the hearing of an application by the Plaintiff(s) for an order to recover possession of *[full description of premises, including relevant title reference(s)]*, on the ground/s that the Plaintiff(s) is /are entitled to possession of those premises and that you are in occupation without licence or consent.

This summons is issued pursuant to *[Section [No] of the [Act]]* *[and/or]* *[Rule [No] of the [Court] Rules]*.

A person served with this Summons may apply to the Court personally, or by Solicitor, to be joined as a Defendant. If a person occupying the premises does not attend personally or by Solicitor at the time and place abovementioned, such order will be made as the Court thinks appropriate, without further notice.

[Signed]
[Solicitor for the [Nature of Party / Parties]]
[OR]
[Name(s)],[Nature of the Party / Parties]

NOTE : If this document is filed electronically, the initials and name(s) of the issuing Solicitor or Party/Parties should be typed in, in lieu of a signature.

LETTER OF REQUEST

To the Competent Judicial Authority of [*Place*],
in [*Country*].

A civil action has been commenced in the [*Court*] Court of South Australia, in which [*name(s)*] of [*address(es)*] is/are the Plaintiff(s) and [*name(s)*] of [*address(es)*] [*is/are*] the Defendant. In it the Plaintiff(s) claim(s) [*set out details*].

It is necessary, for the determination of the matters in dispute, that the following persons, resident within your jurisdiction, be examined as witnesses upon oath concerning those matters: --

[Insert names and addresses of proposed witnesses]

I [*name*], the Registrar of the [*Court*] Court of South Australia, request that, for the assistance of such Court, you summon the said witnesses (and such other witnesses as the agents of the Plaintiff(s) and the Defendant(s) shall request you in writing so to summon) to attend, at such time and place as you shall appoint, before such person as, according your procedure, is competent to take examination of witnesses, and that you cause such witnesses to be examined [*either upon the interrogatories which accompany this letter of request or orally*] with regard to the matters in question, in the presence of the agents of the Plaintiff(s) and Defendant(s), or such of them as shall, on due notice given, attend the examination.

I further request that you permit the agents of both the Plaintiff(s) and the Defendant(s), or such of them as shall be present, to examine such witnesses as may, after due notice in writing, be produced on their behalf, and permit any other party to cross examine the witnesses and the party producing any witness for examination to re-examine that witness orally.

I also request that the evidence of all witnesses be reduced into writing and all books, letters, papers and documents produced upon the examination be duly marked for identification, and that you further authenticate such examination by the seal of your Tribunal or in such other way as is in accordance with your procedure, and return the same to me together with a note of the charges and expenses payable in respect of this request through the Ambassador, High Commissioner or Consul from whom the same was received, for transmission to the [*Court*] Court of South Australia.

I finally request that you cause me, or the agents of the parties, if appointed, to be informed of the date and place where the examination is to take place.

[Facsimile Seal]

[Name]

For Registrar

SUBPOENA

TO: *[full names and addresses of proposed witnesses]*

The *[Court]* Court of South Australia **ORDERS** that you attend before it at *[place]* on *[day of week]* the *[date]* day of *[month]* *[year]* at *[time]*, and thereafter until you have fully complied with this subpoena, or have been excused from further attendance, to:

[Delete either A or B if not applicable]

- A. Give evidence to the Court.

- B. Produce to the Court the following documents:

[Set out a proper description of each of the documents]

Dated this *[date]* day of *[month]* *[year]*

[Facsimile Seal]

[Name]

For Registrar

NOTE:

A person served with this subpoena is entitled to receive, a reasonable time before the day on which that person is to attend Court, payment of a sufficient sum to meet the reasonable expenses of the attendance. Disobedience of the subpoena may result in conviction for contempt of court and liability to imprisonment or other punishment. An explanation of how to comply with the subpoena is attached.

EXPLANATORY NOTES

1. This document is called a subpoena. It requires you to attend at court to give evidence (and/or to produce documents) to the Court.
2. If you do not understand what you must do, or if you do not wish to, or cannot, comply with it, you should consult a lawyer about it as soon as possible. The subpoena is only valid if it is served within 12 weeks of the date of its issue.
3. If this subpoena only requires the production of documents or things, you may comply with it by delivering all of the documents or things to the Registrar of the Court at [address] not less than 24 hours before the time and date referred to in the subpoena. If you do that, you do not have to attend at the time shown in the subpoena. You should only so deliver the documents or things to the Registrar if you have all the documents and things referred to in the subpoena and if you have no objection to producing them to the Court and to them being inspected by the parties to the action. If you do deliver documents or things to the Registrar, they should be securely packaged and **CLEARLY MARKED WITH THE ACTION NUMBER AND THE NAMES OF THE PARTIES AS APPEARING ON THE HEADING TO THE SUBPOENA AND WITH YOUR NAME AND ADDRESS.**
4. If the subpoena requires you to attend to give evidence, the progress of the hearing may be such that you will not be called to give your evidence until after the time shown on the subpoena. If you do not wish to wait outside the courtroom until it is your turn to give evidence, you can contact the solicitor who issued this subpoena (whose name, address and telephone number appear on the front sheet). That solicitor may be able to arrange a later time for you to attend. Otherwise you **must** attend at the date and time shown.
5. When you attend at Court, you will need to locate the room in the Court building where the hearing is taking place and how to get to that room. That room may not be known until shortly before you have to attend. You can find this out either by contacting the solicitor who issued this subpoena, or by inquiry at the Registry Office of the Court, or the reception desk of the Court building. You may be able to obtain some information by telephoning the Court Registry on [telephone number].
6. **PURSUANT TO THE RULES OF COURT, YOU WILL BE TAKEN TO HAVE WAIVED ANY OBJECTION TO THE PRODUCTION OF ANY DOCUMENT OR THING WHETHER ON THE GROUND OF LEGAL PROFESSIONAL PRIVILEGE OR ANY OTHER GROUND, IF YOU DELIVER THE DOCUMENT OR THING TO THE REGISTRAR, RATHER THAN TO THE COURT ON THE DATE SPECIFIED ABOVE (THE RETURN DATE). IF YOU CLAIM TO BE ENTITLED TO RESIST, ON ANY GROUND, PRODUCTION OF ANY DOCUMENT OR THING, OR ITS INSPECTION BY ANY PARTY TO THE PROCEEDINGS, YOU MUST ATTEND BEFORE THE COURT ON THE RETURN DATE, WHEN YOU WILL BE GIVEN AN OPPORTUNITY TO EXPLAIN YOUR OBJECTION.**
7. In addition to your reasonable expenses of attending at Court you are also entitled to be paid by the party issuing the subpoena your reasonable expenses incurred in complying with the subpoena, including an appropriate witness fee. If you need all, or some, of these expenses to be paid **before** you comply with this subpoena, you should contact the solicitor issuing it about the matter.

REQUEST FOR ISSUE OF SUBPOENA(S)

To the Registrar, [Court] Court

Please issue subpoenas, in the respective forms attached hereto.

[As appropriate]

Those subpoenas will be served by the requesting party

or

It is requested that the Sheriff serve the subpoenas, at the expense of the requesting party

[If applicable]

It is requested that the subpoena addressed to [Name] be returnable prior to trial before [the Registrar OR a Judge OR a Master] at [time] on [date] at [address]. [If a subpoena is to be returnable before a specific judicial officer having the conduct of pre-trial proceedings this should be stated].

[Signed]
[Solicitor for the [Nature of Party / Parties]]

[OR]

[Name(s)],[Nature of the Party / Parties]

NOTE : If this document is filed electronically, the initials and name(s) of the issuing Solicitor or Party/Parties should be typed in, in lieu of a signature.

WARRANT OF SALE

To: The Sheriff of South Australia

In this action the [Nature of Party / Parties], [Name(s)] of [Address(es)] is/are, pursuant to a judgment or order dated [date], indebted to the [Nature of Party / Parties], [Name(s)] as follows:-

Balance of judgment sum	\$
Costs	\$
Interest under Rule 84.19 to date of warrant	\$
Costs and expenses of this warrant.....	\$

Total.....	\$

YOU ARE DIRECTED:

- (1) To sell such of the personal and real property of the [Nature of Party / Parties], [Name(s)], as are within the State of South Australia in order to satisfy the unsatisfied judgment, interest and costs and further interest accruing under Rule 84.19 after the date of this warrant, until you receive payment of the monies which are the subject of this warrant and all of your expenses and fees relating to its execution.
- (2) To report to this Court concerning your execution of this warrant and the results thereof.

[Facsimile Seal]

[Name]

For Registrar

WARRANT OF POSSESSION

To: The Sheriff of South Australia

In this action, on [*date*], it was ordered that the Plaintiff(s) [*Name(s) of Plaintiff(s)*] recover from the Defendant(s), [*Name(s) of Defendant(s)*] possession of [*full description of property, including relevant title reference(s)*].

YOU ARE DIRECTED to take whatever lawful steps are necessary to cause the Plaintiff(s) to have possession of the said property and to report to this Court concerning your execution of this Warrant and the results and your costs and expenses thereof.

[*Facsimile Seal*]

[*Name*]

For Registrar

WARRANT OF ARREST

To the Sheriff of South Australia

In this action, on [date], this court ordered [set out terms of the order for arrest]

YOU ARE THEREFORE DIRECTED to arrest [*insert name and address of person to be arrested*] pursuant to the said order and to bring that person before the court in accordance with the terms of the said order.

[*Facsimile Seal*]

[*Name*]

For Registrar

REQUEST FOR ISSUE OF SUMMONS, ORDER OR WARRANT

To the Registrar of the [Court] Court.

The [Nature of Party / Parties], [Name(s)] request(s) you to issue a [Summons / Warrant / Garnishee] in the form herewith against [name of person] of [address] in relation to the judgment entered in this action on [date], which remains [wholly unsatisfied] [or, if partly satisfied, unsatisfied as to the sum of \$[Amount]].

[Signed]
[Solicitor for the [Nature of Party / Parties]]
[OR]
[Name(s)],[Nature of the Party / Parties]

NOTE : If this document is filed electronically, the initials and name(s) of the issuing Solicitor or Party/Parties should be typed in, in lieu of a signature.

REGISTRAR'S SUMMONS FOR CONTEMPT

To the *[name(s) and address(es) of person(s) summoned]*

You are required to attend before the *[Court]* Court at *[time]* on *[date][month][year]* at *[place]* on the hearing of this summons, which is issued by the Registrar of the Court, to answer a charge of contempt of Court in that you did, on *[date][month][year]*, *[set out details of the alleged contempt]*.

[Facsimile Seal]

[Name]

For Registrar

This summons is issued pursuant to Rule 93.03/93.04 (2) of the *[Court]* Rules.

NOTE: If you fail to attend at the above time and place, orders may be made against you in your absence and you may be punished for contempt of Court.

**NOTICE OF REGISTRATION OF JUDGMENT UNDER
THE FOREIGN JUDGMENTS ACT 1991**

[Supreme Court only]

To *[full name(s) and address(es) of judgment debtor(s)]* .

Pursuant to an order of this court dated *[date]* a judgment against you, particulars of which are set out below, was, on *[date]*, registered in the Supreme Court of South Australia pursuant to the Foreign Judgments Act, 1991. You are entitled, pursuant to section 7 of that Act, to apply to set aside the registration of the judgment, on any of the grounds set out in that section, within *[number]* days of service of this notice upon you. The name and address of the solicitor for the judgment creditor in South Australia, upon whom any proceedings taken by you to set aside the registration of the judgment may be served, is set out on Form 1 attached hereto.

PARTICULARS OF JUDGMENT

Judgment creditor(s): *[Full name(s), address(es) and occupation(s)]*

Judgment debtor(s): *[Full name(s), address(es) and occupation(s)]*

Date of Judgment: *[Date]*

Abstract of judgment: *[Including the amount (if any) ordered to be paid, the rate of interest (if any) payable on it, the date from which interest (if any) is payable and/or (where applicable) particulars of personal property ordered to be recovered or delivered up.]*

[Signed]
 [Solicitor for the [Nature of Party / Parties]]

[OR]

[Name(s)], [Nature of the Party / Parties]

NOTE : **If this document is filed electronically, the initials and name(s) of the issuing Solicitor or Party/Parties should be typed in, in lieu of a signature.**

**NOTICE OF REGISTRATION OF JUDGMENT UNDER
THE FOREIGN JUDGMENTS ACT, 1971**

To *[full name(s) and address(es) of judgment debtor(s)]*

Pursuant to an order of this court dated *[date]*, a judgment against you, particulars of which are set out below, was, on *[date]*, registered in the *[name]* Court of South Australia pursuant to the Foreign Judgments Act, 1971. You are entitled, pursuant to 68 of that Act, on any of the grounds set out in that section, to apply to set aside the registration of the judgment within *[number]* days of service of this notice upon you. The name and address of the solicitor for the judgment creditor in South Australia, upon whom any proceedings taken by you to set aside the registration of the judgment may be served, is set out on Form 1 attached.

PARTICULARS OF JUDGMENT

Judgment creditor(s): *[Full name(s), address(es) and occupation(s)]*

Judgment debtor(s): *[Full name(s), address(es) and occupation(s)]*

Date of judgment: *[Date]*

Abstract of judgment: *[Including the amount (if any) ordered to be paid, the rate of interest (if any) payable thereon, the date from which interest (if any) is payable and/or (where applicable) particulars of personal property ordered to be recovered or delivered up.]*

[Signed]
[Solicitor for the [Nature of Party / Parties]]

[OR]

[Name(s)], [Nature of the Party / Parties]

NOTE : If this document is filed electronically, the initials and name(s) of the issuing Solicitor or Party/Parties should be typed in, in lieu of a signature.

SUMMONS FOR EXAMINATION IN RESPECT OF A JUDGMENT DEBT

To *[full name and address of person summoned]*

You are a judgment debtor in the sum of \$*[amount]* pursuant to a judgment entered on *[date]* *[or You are alleged to be a person who may be able to assist with the investigation of the means of a judgment debtor, [full name of judgment debtor], to satisfy a judgment of \$[amount] entered against that person on [date].*

You are summoned to appear before the *[Court]* Court of South Australia at *[time]* on *[date]* and *[place]* for examination in connection with the payment of such judgment debt and/or to then produce the following documents *[full description of all of the documents required]*.

[Facsimile Seal]

[Name]

For Registrar

NOTE: If you fail to appear, as required by the summons, the Court may, pursuant to section 4 (4) of the Enforcement of Judgments Act, 1991, issue a warrant for your arrest.

GARNISHEE ORDER

By a judgment entered by [*Name (s)*] of *judgment creditor(s)* on [*date*][*month*][*year*] it was ordered that the [*judgment debtor(s)*] pay to [*Name (s) judgment creditor(s)*] \$[*Amount*] (of which \$[*Amount*] remains owing).

THE COURT ORDERS that [*name(s) and address(es) of garnishee(s)*] ("the garnishee(s)") pay to the [*judgment creditor(s)*] \$[*amount*] in reduction of any moneys payable to the [*judgment debtor(s)*] by the garnishee and in satisfaction, to the extent of the payment, of the judgment debt of the [*judgment debtor(s)*] to the [*judgment creditor(s)*].

The Court will sit in chambers at [*place*] at [*time*] on [*date*][*month*][*year*] to hear any submissions from the [*judgment debtor(s)*] or the garnishee to confirm, vary or revoke this order.

[*If required*]

AND IT IS FURTHER ORDERED that the garnishee(s) be authorised to retain from the money subject to attachment the sum of \$[*Amount*] as compensation for the garnishee's / garnishees' expenses in complying with this order.

[*Facsimile Seal*]

[*Name*]

For Registrar

NOTE: If you do not attend at the above time and place, it may be taken that you do not contest your liability in this matter and orders may be made in your absence.

NOTICE OF CLAIM TO PROPERTY SUBJECT TO EXECUTION

To the Sheriff of South Australia

I/we, *[name(s) and address(es)]* claim to have an interest in the property mentioned below and seek that you give effect to such claim. This notice is given pursuant to Section 16(2) of the Enforcement of Judgments Act, 1991 and Rule 88A.07A(1) of the *[Court]* Court Rules.

Particulars of the property are:

[Set out full details of the property in which the interest is claimed]

Particulars of interest claimed are:

[Set out full details of the nature of the claim(s)]

[NOTE: *If notice relates to more than one item of property, separately identify each item and the details related to it.]*

[Signed]
[Solicitor for the [Nature of Party / Parties]]

[OR]

[Name(s)],[Nature of the Party / Parties]

NOTE : **If this document is filed electronically, the initials and name(s) of the issuing Solicitor or Party/Parties should be typed in, in lieu of a signature.**

SHORT FORM BILL OF COSTS

SHORT FORM BILL OF COSTS OF THE [NATURE OF PARTY/PARTIES], [NAME(S)]
 (Presented pursuant to order dated [date])

TO THE [NATURE OF PARTY/PARTIES], [NAME(S)]

If you wish to dispute any item in this bill you must, pursuant to Rule 101A.02(2) of the [Court Name] Court Rules, within 21 days of receipt of this bill -

- (1) set out in the appropriate column below, your response to each disputed item; and
- (2) serve a copy of the bill containing such responses by sending the same by prepaid post to [Party / Parties presenting bill] at the address(es) of such party shown on Form 1 attached hereto.

In the event that you do not forward a copy of the bill with your response(s) set out therein within the period of 21 days, you will be deemed to have admitted liability to pay the costs sought in this bill.

Cost Item	No. of Pages/ Length of Attendance	Rate Per Page / Hour / Letter / Attendance	Amount Claimed	Response (eg Agreed, Not Agreed, Agreed in Part)	Offer
<p>[NOTE: This form is to be read in conjunction with the costs schedules allowed by an amendment to the Supreme Court Rules, which fixes the percentage increase to costs from time to time. Where the period during which costs were incurred includes more than one schedule of costs, the items claimed for relevant periods should be separately set out in each of the paragraphs of this form and the "Amount claimed" should be calculated by reference to the fee allowed for the relevant period. The items referred to in the square brackets below are items contained in the Fifth Schedule to the Supreme Court Rules.]</p>					
1. Preparation of documents [1 and 23]			\$		\$
A. Documents filed at Court					
Briefly state the nature of the documentation and the number of A4 pages					
(i) For the period.....and (if applicable)					
(ii) For the period.....					
B. Any other documents (apart from documents referred to items 13, 14, 16, 17 and 18) including conveyancing documents.					
Briefly state the nature of the documentation and the number of A4 pages					
(i) For the period.....and (if applicable)					
(ii) For the period.....					
			C/f		C/f

Cost Item	No. of Pages/ Length of Attendance	Rate Per Page / Hour / Letter / Attendance	Amount Claimed	Response (eg Agreed, Not Agreed, Agreed in Part)	Offer
			B/f		B/f
2. <i>Copying documents</i> [4] Briefly state the nature of the documentation and the number of A4 pages (i) For the periodand (if applicable) (ii) For the period			\$		\$
3. <i>Perusals</i> [5] Briefly state the nature of the documentation and the number of A4 pages (i) For the periodand (if applicable) (ii) For the period					
4. <i>Scanning Documents</i> [6] Briefly state the nature of the documentation and the number of A4 pages (i) For the periodand (if applicable) (ii) For the period					
5. <i>Attendances</i> [7] Specify attendances claimed (eg 5 attendances on plaintiff/defendant to obtain instructions—total 7.5 hours 3 conferences with counsel—total 2.5 hours) (i) For the periodand (where applicable) (ii) For the period					
6. <i>Attendances</i> [8] Briefly summarise attendances claimed and state total number of hours (i) For the periodand (if applicable) (ii) For the period					
7. <i>Solicitor attending in chambers (including pre-trial conferences, conciliation conferences and callovers)</i> [9] (i) For the period Specify (a) total number of short attendances; (b) total number of ordinary attendances; (c) total number of protracted attendances and number of hours. (ii) For the period(specify as above).					
			C/f		C/f

Cost Item	No. of Pages/ Length of Attendance	Rate Per Page / Hour / Letter / Attendance	Amount Claimed	Response (eg Agreed, Not Agreed, Agreed in Part)	Offer
			B/f		B/f
8. <i>Clerk's (other than junior clerk) attendances and travelling time</i> [10]			\$		\$
Briefly summarise the nature and number of attendances					
(i) For the periodand (if applicable)					
(ii) For the period					
9. <i>Junior clerk's attendances</i> [11]					
Briefly summarise the nature and number of attendances					
(i) For the periodand (if applicable)					
(ii) For the period					
10. <i>Telephone attendances (solicitor)</i> [12]					
Specify no. of calls by reference to 6 minute intervals (= 1 unit), eg. 15 x 1 unit, 10 x 2 units etc.					
(i) For the periodand (where applicable)					
(ii) For the period					
11. <i>Telephone attendances (clerk)</i> [13]					
Specify number of calls by reference to 6 minute intervals (= 1 unit), eg 15 x 1 unit, 10 x 2 units etc.					
(i) For the periodand (where applicable)					
(ii) For the period					
12. <i>Attendances re affidavits</i> [14]					
Specify no. of attendances					
(i) For the periodand (if applicable)					
(ii) For the period					
13. <i>Letters</i> [15]					
Specify (eg. 8 x 1 page, 10 x 2 pages etc.)					
(i) For the periodand (if applicable)					
(ii) For the period					
14. <i>Facsimile transmissions</i> [16]			\$		\$
Specify number of and length of transmissions (eg. 8 x 1 page, 10 x 2 pages etc.)					
(i) For the periodand (if applicable)					
(ii) For the period					
			C/f		C/f

Cost Item	No. of Pages/ Length of Attendance	Rate Per Page / Hour / Letter / Attendance	Amount Claimed	Response (eg Agreed, Not Agreed, Agreed in Part)	Offer
			B/f		B/f
15. <i>Payment of accounts</i> [17] Specify number of accounts paid (i) For the periodand (if applicable) (ii) For the period					
16. <i>Registration of judgment</i> [18] Briefly summarise work done					
17. <i>Copy documents</i> [19] Specify number of A4 pages and divide into costs periods where necessary					
18. <i>Briefs & Appeal Books</i> [20] Specify number of A4 pages and divide into costs periods where necessary					
19. <i>Care and consideration in preparation of a brief</i> [21] Briefly state basis of claim					
20. <i>Preparation of short form bill of costs</i> [22] Disbursements Specify and attach scanned copy of accounts Counsel fees (Copy of account(s) to be available to Taxing Officer on Taxation)					
			TOTAL: \$		\$

**NOTICE OF APPEAL PURSUANT TO
SECTION 42 OF MAGISTRATES COURT ACT 1991**

The [Party] [Name] appeals to the Supreme Court of South Australia, at its sittings in [specify month and year] for hearing appeals under section 42 of the Magistrates Court Act, 1991, against the order of that Court made on [date][month][year].

The appeal is against [conviction] [penalty] [conviction and penalty] [dismissal] [costs]

Court location appealed from:

Date of [conviction/dismissal]:

Date(s) of [penalty/costs]:

Judicial Officer appealed from:

Magistrates Court File No:

Respondent's address:

Order appealed against:

[Set out text of relevant order]

The appeal is against [the whole of /the following portion of] the order

[If applicable specify that portion appealed against]

[If applicable] The appellant seeks an extension of time within which to appeal, upon the following grounds:

[Specify grounds in successively numbered paragraphs]

The grounds of appeal are:

[Specify grounds in successively numbered paragraphs]

The appellant seeks the following orders:

[Set out relief sought in successively numbered paragraphs]

The Registrar of the Magistrates Court is requested:

- (1) to advise the Registrar of the Supreme Court of the existence of the appeal and afford that Court access to any electronic file relating to this matter; and
- (2) to forward to the Registrar all hard copy material relevant to the appeal, which is not contained in such electronic file.

[Signed]
[Solicitor for the Appellant (s)]

[OR]

[Appellant(s)]

- [NOTE: 1. *This notice is to be accompanied by Form 1, duly completed.*
2. *The appellant must also serve a copy of the notice of appeal on the Registrar of the Supreme Court and the respondent within seven days of lodgement of it with the Magistrates Court, pursuant to Rule 96C.04 of the those Rules.*
3. *If this document is filed electronically, the initials and name(s) of the issuing Solicitor or Party/Parties should be typed in, in lieu of a signature.]*

**NOTICE OF APPEAL PURSUANT TO
SECTION 40 OF MAGISTRATES COURT ACT 1991**

The *[Party/Parties]* *[Name(s)]* appeal(s) to the Supreme Court of South Australia, at its sittings in *[specify month and year]* for hearing appeals under section 40 of the Magistrates Court Act, 1991, against the *[judgment/order]* of that Court dated *[date][month][year]*.

Court location appealed from:

Date of *[judgment/order]*:

[If applicable] Date of grant of leave:

Judicial Officer appealed from:

Magistrates Court No.:

Respondent's address:

[Judgment/order] appealed against:

[Set out text of relevant judgment/order]

The appeal is against *[the whole of /the following portion of]* the *[judgment/order]*.

[If applicable specify that portion appealed against]

[If applicable] The appellant[s] seek[s] an extension of time within which to appeal, upon the following grounds:

[Specify grounds in successively numbered paragraphs]

The grounds of appeal are:

[Specify grounds in successively numbered paragraphs]

The appellant[s] seek[s] the following orders:

[Set out relief sought in successively numbered paragraphs]

The Registrar of the Magistrates Court is requested:

- (1) to advise the Registrar of the Supreme Court of the existence of the appeal and afford that Court access to any electronic file relating to this matter; and
- (2) to forward to the Registrar all hard copy material relevant to the appeal, which is not contained in such electronic file.

[Signed]
[Solicitor for the Appellant (s)]

[OR]

[Appellant(s)]

- [NOTES: **1. This notice is to be accompanied by Form 1, duly completed.**
- 2. The party or parties appealing must serve a copy of the notice of appeal on the Magistrates Court and the respondent forthwith, as required by Rule 97.05 of the Supreme Court Rules.**
- 3. If this document is filed electronically, the initials and name(s) of the issuing Solicitor or Party/Parties should be typed in, in lieu of a signature.]**

NOTICE OF APPEAL (GENERAL)

The *[Party/Parties][Name(s)]* appeal *[(s)]* to the *[Full Court/a single Judge]* of the Supreme Court of South Australia against the *[judgment/order]* of a *[single Judge/Master]* of the *[Court]* dated *[date][month][year]*. The appeal is brought *[as of right/by leave/pursuant to a certificate under Rule 96A.02)/97.02]*.

Date of *[judgment/order]*:

[If applicable] Date of grant of leave/certificate:

Judicial Officer appealed from:

File No of Court appealed against:

Respondent^{*[(s)]*} address ^{*[es]*}:

[Judgment/order] appealed against:

[Set out text of relevant judgment/order]

The appeal is against *[the whole of /the following portion of]* the *[judgment/order]*.

[If applicable specify that portion appealed against]

[If applicable] The appellant^{*[s]*} seek^{*[s]*} an extension of time within which to appeal, upon the following grounds:

[Specify grounds in successively numbered paragraphs]

The grounds of appeal are:

[Specify grounds in successively numbered paragraphs]

The appellant[s] seek[s] the following orders:

[Set out relief sought in successively numbered paragraphs]

[If applicable] The Registrar of the *[Court]* is requested:

- (1) to advise the Registrar of the Supreme Court of the existence of the appeal and afford that Court access to any electronic file relating to this matter; and
- (2) to forward to the Registrar all hard copy material relevant to the appeal, which is not contained in such electronic file.

[Signed]
[Solicitor for the Appellant (s)]

[OR]

[Appellant(s)]

- [NOTES:**
- 1. *This notice is to be accompanied by Form 1, duly completed.***
 - 2. *The party or parties appealing must serve a copy of the notice of appeal on the Registrar or other proper officer of the Court appealed from and the respondent(s) forthwith, as required by Rule 95.01(2) or 97.05 of the Supreme Court Rules.***
 - 3. *If this document is filed electronically, the initials and name(s) of the issuing Solicitor or Party/Parties should be typed in, in lieu of a signature.***
 - 4. *[Full Court Appeals only] The matter is not listed for hearing until the Full Court appeal books are filed in accordance with Supreme Court Practice Direction 37 and Supreme Court Rules 95.10 and 95.11.]***

CERTIFICATE OF NON-COMPLIANCE WITH SUBPOENA

I CERTIFY AS FOLLOWS:

- (1) A subpoena in the form filed herewith was issued by this Court against [*insert name and address of person*].
- (2) Leave was given by a Judge of this Court, on [*date*][*month*][*year*], to serve the subpoena in New Zealand.
- (3) The [*name*] failed to comply with the subpoena in that [*insert details of respects in which the person failed to comply with the subpoena*].
- (4) [*If Applicable*] An application to have the subpoena set aside was made and [*insert details of result of the application*].

[*Facsimile Seal*]

[*Name*]

For Registrar

CERTIFICATE OF READINESS FOR TRIAL

[To be filed by the file principal for one of the parties]

IT IS CERTIFIED, by *[name]*, the file principal for the *[Nature of Party / Parties]*, *[Name(s)]* on due enquiry having been made of all other parties to the proceedings, that:

1. All pleadings are closed and no party has any intention of filing any further pleading or seeking any amendment of any pleading.
2. All particulars ordered or requested have been given as between all parties and no further particulars are sought.
3. The parties have made discovery of all documents in their possession or power relating to any matter in the issue in the action, and are not aware of any other documents of which discovery should be made.
4. No party has any intention of making any further application for discovery of documents by a stranger to the action, and any such application already made is completed and complied with and no further application in respect thereof will be made.
5. All parties have completed inspection of all documents of which discovery has been made.
6. No party has any intention of interrogating any party, or, if interrogatories have already been delivered, no party has any intention of seeking to deliver any further interrogatories.
7. All interrogatories which have been delivered have been answered and no party has any intention of seeking any further or better answers.
8. All requests to admit facts or documents have been served and responded to and no party has any intention of bringing a further application with respect to the same.
9. Except for any subpoena which, on the advice of counsel, should not have been made returnable before trial, all subpoenas for the production of documents have been issued, served and complied with the satisfaction of the party issuing the same, save for any matter specifically reserved on the return of any such subpoena for the consideration of the trial Judge.
10. Where Rule 55A has been ordered to apply, tender lists have been filed and served by all parties in accordance with that rule.
11. All medical and other expert reports to be used by the parties have been obtained and made available to all parties, save for any such report as may be the subject of an order pursuant to Rule 38.01(4) that a party be not required to deliver the same to any other party. Such reports, the tender of which can be agreed, have been agreed and no direction is sought or thought to be desirable to limit the number of expert witnesses to be called.
12. Special damages have been agreed in the sum of \$*[amount]* *[or state any other situation]*.

13. Actuarial Certificates will be tendered by consent.
14. All interlocutory processes are completed and the action is in all respects ready for trial.
15. The estimated length of trial is [*period*] days.
16. The following Judges may possibly be disqualified from hearing the action:
[*List Names*]
17. The provisions of Rule 74A.07 as to copy documents have been complied with.
18. All endeavours to resolve the matter other than by trial have been exhausted without success and the parties and their advisers do not believe that the manner can be resolved other than by proceeding trial.

[*Signed*]

[*Solicitor for the [Nature of Party / Parties]*]

[*OR*]

[*Name(s)*],[*Nature of the Party / Parties*]

NOTE : If this document is filed electronically, the initials and name(s) of the issuing Solicitor or Party/Parties should be typed in, in lieu of a signature.

APPLICATION UNDER SECTION 59IE OF THE EVIDENCE ACT 1929

To the *[Nature of Party / Parties]*, *[Name(s)]*.

The *[Nature of Party / Parties]*, *[Name(s)]* intend/s to apply to the Court for specific directions that the *[specify whether “the hearing of the application for.....” or “the trial of this action”]* be conducted with the aid of an *[specify either “audio” or “audio visual”]* link.

The following information is provided in support of the application for directions:

- 1. It is proposed that such link be utilised in relation to *[specify whether “the whole of the proceeding” or “portion only of the proceeding, namely.....”]*.
- 2. The link is required from *[originating City/town]* to *[receiving City/town]*.
- 3. Details of the persons to appear before the Court, or give evidence by the proposed link are as follows-

[Set out names and roles]

- 4. The suggested time for the commencement of the link is *[time and date]*.
- 5. The estimated duration of the link is *[period]*.
- 6. The application is made *[with/without]* the consent of all parties to the proceedings.
[If all parties do not consent indicate who are dissenting parties and the nature of the objection raised by them]
- 7. *[If a hearing date has been fixed, indicate time and place]*.

[Signed]
[Solicitor for the [Nature of Party / Parties]]

[OR]

[Name(s)],[Nature of the Party / Parties]

NOTE : If this document is filed electronically, the initials and name(s) of the issuing Solicitor or Party/Parties should be typed in, in lieu of a signature.

FORM 42

AFFIDAVIT

I [*full name, address and occupation*] MAKE AN OATH/MAKE AN AFFIRMATION
(delete one or the other) AND SAY:-

[*set out text of affidavit in successive, numbered paragraphs*]

Sworn/affirmed (delete one or the other) by the abovenamed person

at [*Place*]

on [*Date*]

.....
[*Signature of Person*]

Before me [*Signature of Attesting witness*]

[*Print Name of Witness*]

[*ID Number of Witness*]

NOTE : Where the affidavit is filed electronically a signed copy of the original is to be retained by the transmitter of the Affidavit.

FORM 45

OTHER DOCUMENTS

[Any other documents to be filed in an action, for which no specific form is prescribed, may utilise this full text form. It may also be used to electronically file any document for which a form is prescribed, but in respect of which no other electronic template is currently available on the Courts Administration Authority website. This form must be accompanied by Form 1, duly completed, and its content must comply with the general format and substance requirements prescribed by the Rules of Court.]

ELECTRONIC NON-CONTENTIOUS APPLICATION

By consent

[Mark box]

Ex parte

Action title *[Abbreviated]*:

Action No:

Applicant *[Nature of Party/Parties]*, *[Name(s)]*:

Date of application:

1. The applicant (s) seek (s) the following specific orders/directions:

[State specific orders/directions sought]

2. The grounds/reasons for the orders/directions sought are:

[State reasons for application or refer to relevant affidavit evidence]

3. [Where order is by consent] The consent is evidenced by:

(set out how consent is being given, eg by endorsement on minutes of order, by e-mail from another solicitor dated 20..... or otherwise).

4. **ORDER MADE:**

.....
Judge/Master/Registrar

Date:

NOTES:

1. Draft minutes of order should be attached to the electronic application other than in the case of short or routine orders in the District Court.

2. If it is necessary to rely on an affidavit not already on file a completed electronic copy is to be attached, with an undertaking to file the original.

MINUTES OF ORDER

Judicial Officer: [The Honourable.....
His/Her Honour Judge.....
[Master of the Supreme Court]
Master.....]

Date of application: [DD/MM/YYYY]

Application made by: [Party/Parties]

Date (s) of hearing:[DD/MM/YYYY]

Date of order:[DD/MM/YYYY]

Appearances: [Solicitor/Counsel] for the [Nature of Party/Parties, [Name(s)]

THE COURT ORDERS that:

[Insert text of proposed order in sequentially numbered paragraphs and in double space]

PRAECIPE TO SET DOWN AN APPEAL TO THE FULL COURT

SET DOWN this appeal for hearing before the Full Court at its next sittings to commence more than 21 days after this date.

Dated [*Date*].

NOTE: Appeal books as required by Practice Direction 37 must be filed in the Registry with or prior to the filing of this praecipe. “