

**South Australia**

**Land and Valuation Division Supplementary  
Rules 2014**

**SCHEDULE—APPROVED FORMS**

**Schedule—Approved Forms relate to Land and Valuation Supplementary Rules 2014, dated 1st September 2014, that come into operation on 1st October 2014 (Government Gazette 11 September 2014, p. 4391).**

## Schedule—Approved Forms

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## SUMMONS

TO THE DEFENDANT: *(name)* of *(address)*.

The plaintiff *(name of plaintiff)* makes a claim relating to a compulsory acquisition or possible acquisition against you or that may affect you. Details of the claim and orders sought are contained in the accompanying Statement of Claim.

### Action required

If you wish to defend the claim, you must:

- (a) file a Notice of Address for Service within 14 calendar days after service of this Summons on you; and
- (b) file a Defence within 28 calendar days after service of the Statement of Claim on you.

If a Notice of Address for Service and a Defence is not filed within the time stated, orders may be made against you in your absence and without further notice.

The Notice of Address for Service and Defence must be filed at a Registry of the Court. If you do not have a solicitor, you may attend personally at a Registry to do this. A list of the Registry addresses may be obtained through the website of the Courts Administration Authority ([www.courts.sa.gov.au](http://www.courts.sa.gov.au)) or by telephoning the Registry of the Court (8204 0289).

### Endorsements

1. The general nature of the application is *(insert nature)*.
2. The land or other subject matter of the action is *(identify land or other subject matter)*.

3. The statutory provision under which the claimed entitlement to the order sought arises is (*insert provision*).
4. The statutory provision giving to the Court jurisdiction to hear and determine the action is (*insert provision*).
5. The name, address and interest of person(s) known or claiming to have a proprietary interest in the land are (*insert name, address and nature of interest*).

**Orders sought**

The plaintiff seeks the following orders:

(*state briefly but specifically the orders sought*).

**Accompanying documents**

This summons must be accompanied by a Statement of Claim.

**Plaintiff's address**

The Plaintiff's address for service is:

Place:

Email:

The Plaintiff's address is (*principal place of business*).

**Date:**

(*signed*) .....  
Plaintiff/Solicitor for the plaintiff (*delete whichever is inapplicable*)

**Notes**

- 1 If the full name of a party is not known the summons may be endorsed as follows:  
"Any better full name of the (role of the party) is not known, and not reasonably ascertainable by, the plaintiff"

- 2 If the plaintiff intends to apply for an authorisation under rule 81 the summons is to bear the following endorsement under rule 81(2):

“The plaintiff brings this action as representative of a group of which each member has a common interest being (set out question of law or fact in which there is a common interest) and intends to apply for the necessary authorisation under rule 81.”

- 3 As to other endorsements which may be required on a summons see rule 38(3)(a).

## SUMMONS

TO THE DEFENDANT: *(name)* of *(address)*.

The plaintiff (name of plaintiff) makes a claim relating to the boundary of land against you or that may affect you. Details of the claim and orders sought are contained in the accompanying Statement of Claim.

### Action required

If you wish to defend the claim, you must:

- (a) file a Notice of Address for Service within 14 calendar days after service of this Summons on you; and
- (b) file a Defence within 28 calendar days after service of the Statement of Claim on you.

If a Notice of Address for Service and a Defence is not filed within the time stated, orders may be made against you in your absence and without further notice.

The Notice of Address for Service and Defence must be filed at a Registry of the Court. If you do not have a solicitor, you may attend personally at a Registry to do this. A list of the Registry addresses may be obtained through the website of the Courts Administration Authority ([www.courts.sa.gov.au](http://www.courts.sa.gov.au)) or by telephoning the Registry of the Court (8204 0289).

### Endorsements

1. The general nature of the application is *(insert nature)*.
2. The land the subject of the action is *(identify land)*.
3. The statutory provision under which the action is brought is *(insert provision)*.

4. (if applicable) The plaintiff appeals against the decision of (insert decision maker) that (insert decision) dated (insert date).
5. The statutory provision giving to the Court jurisdiction to hear and determine the action is (insert provision).

**Orders sought**

Plaintiff claims:

(state briefly but specifically the orders sought)

**Accompanying documents**

This summons must be accompanied by a Statement of Claim.

**Plaintiff's address**

The Plaintiff's address for service is:

Place:

Email:

The Plaintiff's address is (principal place of business).

**Date:**

(signed) .....  
Plaintiff/Solicitor for the plaintiff (delete whichever is inapplicable)

**Notes**

- 1 If the full name of a party is not known the summons may be endorsed as follows:  
"Any better full name of the (role of the party) is not known, and not reasonably ascertainable by, the plaintiff"
- 2 As to other endorsements which may be required on a summons see rule 38(3)(a).

**SUMMONS**

TO THE DEFENDANT: *(name)* of *(address)*.

The plaintiff *(name of plaintiff)* pays monies into Court under section 23A(3) of the *Land Acquisition Act 1969*.

**Action required**

If you wish to seek orders in relation to the monies paid into Court, you or your solicitor must:

- (a) file a Notice of Address for Service; and
- (b) file an Interlocutory Application in accordance with the *Supreme Court Civil Rules 2006*.

The Notice of Address for Service must be filed at a Registry of the Court. If you do not have a solicitor, you may attend personally at a Registry to do this. A list of the Registry addresses may be obtained through the website of the Courts Administration Authority ([www.courts.sa.gov.au](http://www.courts.sa.gov.au)) or by telephoning the Registry of the Court (8204 0289).

**Endorsements**

1. This Summons relates to a payment of monies into Court under section 23A(3) of the *Land Acquisition Act 1969*.
2. The land in respect of which the monies have been paid into Court is *(identify land)*.
3. The amount of monies paid into Court is *(insert amount)*.
4. The name, address and interest of person(s) known to have or claim a proprietary interest in the land are *(insert name, address and nature of interest)*.



**Accompanying documents**

The notice of acquisition under section 16 of the *Land Acquisition Action 1969* and a search copy of the Certificate of Title immediately before the application is annexed to this Summons.

**Plaintiff's address**

The Plaintiff's address for service is:

Place:

Email:

The Plaintiff's address is (*principal place of business*).

**Date:**

(*signed*) .....  
Plaintiff/Solicitor for the plaintiff (*delete whichever is inapplicable*)

**Notes**

- 1 If the full name of a party is not known the summons may be endorsed as follows:  
"Any better full name of the (role of the party) is not known, and not reasonably ascertainable by, the plaintiff"
- 2 As to other endorsements which may be required on a summons see rule 38(3)(a).

## SUMMONS

TO THE DEFENDANT: *(name)* of *(address)*.

The Plaintiff lodges an agreement for compensation under section 23B(1) of the *Land Acquisition Act 1969*.

### Action required

If you wish to seek orders to implement the agreement, you or your solicitor must file:

- (a) a Notice of Address for Service; and
- (b) an Interlocutory Application in accordance with the *Supreme Court Civil Rules 2006*.

The Notice of Address for Service and Defence must be filed at a Registry of the Court. If you do not have a solicitor, you may attend personally at a Registry to do this. A list of the Registry addresses may be obtained through the website of the Courts Administration Authority ([www.courts.sa.gov.au](http://www.courts.sa.gov.au)) or by telephoning the Registry of the Court (8204 0289).

### Endorsements

1. This Summons relates to the lodgment of an agreement for compensation under section 23B(1) of the *Land Acquisition Act 1969*.
2. The land in respect of which the compensation agreement was made is *(identify land)*.
3. The name, address and interest of person(s) known or claiming to have a proprietary interest in the land are *(insert name, address and nature of interest)*.

### Accompanying documents

A copy of the agreement for compensation and a search copy of the Certificate of Title immediately before the acquisition is annexed to this Summons.

**Plaintiff's address**

The Plaintiff's address for service is:

Place:

Email:

The Plaintiff's address is (*principal place of business*).

**Date:**

(*signed*) .....  
Plaintiff/Solicitor for the plaintiff (*delete whichever is inapplicable*)

**Notes**

- 1 If the full name of a party is not known the summons may be endorsed as follows:  
"Any better full name of the (role of the party) is not known, and not reasonably ascertainable by, the plaintiff"
- 2 As to other endorsements which may be required on a summons see rule 38(3)(a).

**NOTICE OF APPEAL AGAINST VALUATION DECISION**

TO THE RESPONDENT: *(name)* of *(address)*

*(name)* APPEALS to the Supreme Court of South Australia against the decision of *(name)* dated *(date)**(month)**(year)*.

Respondent's name and address:

- 1. Decision appealed against**  
*(set out relevant decision)*
  
- 2. Subject matter of valuation**  
*(identify land or other subject matter)*
  
- 3. Statutory provision conferring right of appeal**  
*(insert provision)*
  
- 4. Orders sought**  
*(state briefly but specifically the orders sought)*
  
- 5. Grounds of appeal**  
*(set out grounds of appeal in successively numbered paragraphs)*
  
- 6. Extension of time** *(if applicable)*  
*(set out grounds for extension of time)*

**Date:**

*(signed)*

.....  
Appellant/Solicitor for the appellant (*delete whichever is inapplicable*)

**Notes**

- 1 This notice is to be accompanied by Form 1 in the *Supreme Court Civil Supplementary Rules 2014*, duly completed
- 2 The party or parties appealing must serve a copy of the notice of appeal on the respondent forthwith

**STATEMENT OF FACTS, ISSUES AND CONTENTIONS**

**1. Facts**

*(identify the decision subject to appeal)*

*(identify the subject matter of the decision subject to appeal)*

*(set out succinctly the essential facts, if any, relied on not accepted by the decision maker)*

**2. Issues**

*(identify succinctly the controversial issues in neutral terms)*

**3. Contentions** *(identify succinctly the appellant’s contention on each issue)*

**4. Proper value** *(identify the appellant’s contention of the proper value of the land or thing in question)*

**5. Extension of time** *(if applicable)*

*(set out grounds for extension of time)*

**6. Annexures**

*(annex decision and any reasons given by the decision maker)*

*(annex any formal submission by the appellant to the decision maker the subject of the decision)*

*(annex copy of an expert report by a valuer addressing value)*

**Date:**

*(signed)*.....

Appellant/Solicitor for the appellant *(delete whichever is inapplicable)*

**RESPONSE TO STATEMENT OF FACTS, ISSUES AND CONTENTIONS**

**1. Facts**

*(set out the response to any contested facts in the appellant's part 1)*

**2. Issues**

*(replicate the issues in the appellant's part 2)*

*(identify succinctly any additional issues in neutral terms)*

**3. Contentions**

*(identify succinctly the respondent's contention on each issue)*

**4. Proper value** *(identify the respondent's contention of the proper value of the land or thing in question)*

**5. Extension of time** *(if applicable)*

*(set out the response to the application for extension of time)*

**6. Annexures**

*(annex copy of any expert report by a valuer addressing value)*

**Date:**

*(signed)*.....

Respondent/Solicitor for the respondent *(delete whichever is inapplicable)*