

# BUILDING WORK CONTRACTORS ACT 1995 APPLICATION

**Magistrates Court of South Australia (Civil Division)**

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Sections 36, 37 and 38

<b>Court Use</b>
Date Filed:
Date Posted:

Trial Court		Action No	
Address	<i>Street</i>	<i>Telephone</i>	<i>Facsimile</i>
	<i>City/Town/Suburb</i>	<i>State</i>	<i>Postcode</i>
	<i>Email Address</i>		

Amount Claimed (if any)	\$	
Court Fee on Filing	\$	
Service and Other Fee	\$	
Solicitor's Fee	\$	
<b>TOTAL CLAIMED</b>	<b>\$</b>	

<b>Applicant</b>			
Full Name			
Address <small>(Registered Office, if Body Corporate)</small>	<i>Street</i>	<i>Telephone</i>	<i>Facsimile</i>
	<i>City/Town/Suburb</i>	<i>State</i>	<i>Postcode</i>
	<i>Email Address</i>		
Solicitor (if any)			
<b>Respondent</b>			
Full Name			
Address <small>(Registered Office, if Body Corporate)</small>	<i>Street</i>	<i>Telephone</i>	<i>Facsimile</i>
	<i>City/Town/Suburb</i>	<i>State</i>	<i>Postcode</i>
	<i>Email Address</i>		
Solicitor (if any)			

*You both must attend at the Trial Court for the Directions Hearing fixed by the Court or this application may be decided without you. If the amount claimed is more than \$12,000, you may elect at the Directions Hearing to remove this claim from the minor civil jurisdiction and then a higher cost scale applies and you can be represented by a lawyer at the trial. If the amount claimed is \$12,000 or less, or if you make no election, a lawyer cannot represent you at the trial (subject to some exceptions in s 38(4)(a) of the Magistrates Court Act 1991) and the minor civil cost scale will apply.*

This is an application for:	
<input type="checkbox"/>	s 36(4) – return of money when a contract has been cancelled
<input type="checkbox"/>	s 37(2) – determination of a warranty claim
<input type="checkbox"/>	s 38(2) – relief from a harsh or unconscionable term or condition
in relation to a domestic building contract dated            day of            20	
between the building owner:	
and the builder:	
Briefly state the facts giving rise to this claim and the relief sought: (if necessary, attach further written particulars)	
.....	.....
Date	APPLICANT

