

DEFENCE AND COUNTERCLAIM

Magistrates Court of South Australia (Civil Division)

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Court Use

Date Filed

Date of Posting

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

Amount Counterclaimed/set off (if any)	\$
Court Fee on Filing	\$
Service and Other Fee	\$
Solicitor's Fee	\$
TOTAL CLAIMED	\$

Method of service (tick)

Registrar
 Defendant's Solicitor
 Party

Plaintiff/s (as on claim form)

Full Name						
Address <small>(Registered Office, if Body Corporate)</small>	<i>Street</i>		<i>Telephone</i>		<i>Facsimile</i>	<i>DX</i>
	<i>City/Town/Suburb</i>	<i>State</i>	<i>Postcode</i>	<i>Email Address</i>		
Solicitor for Plaintiff/s (name) <small>(if any, as on claim form)</small>						
Address	<i>Street</i>		<i>Telephone</i>		<i>Facsimile</i>	<i>DX</i>
	<i>City/Town/Suburb</i>	<i>State</i>	<i>Postcode</i>	<i>Email Address</i>		

Defendant/s

Full Name						
Address <small>(Registered Office, if Body Corporate)</small>	<i>Street</i>		<i>Telephone</i>		<i>Facsimile</i>	<i>DX</i>
	<i>City/Town/Suburb</i>	<i>State</i>	<i>Postcode</i>	<i>Email Address</i>		
Solicitor for Defendant/s (name)						
Address	<i>Street</i>		<i>Telephone</i>		<i>Facsimile</i>	<i>DX</i>
	<i>City/Town/Suburb</i>	<i>State</i>	<i>Postcode</i>	<i>Email Address</i>		

NOTICE TO PLAINTIFF

The Court assumes you will defend a counterclaim. If you admit a counterclaim or part of it, you should file an admission of liability or an offer to save costs. If you admit the counterclaim in full, say so.

PARTICULARS OF DEFENCE: State any part of the plaintiff's claim which is admitted or denied and briefly state any defence. If you admit the claim in full, say so.

PARTICULARS OF COUNTERCLAIM - Briefly state the date, place and circumstances from which the counterclaim arose and the cause of action and the relief sought. Where the counterclaim is for damages, the amount claimed for each head of damages must be given.

There are costs penalties for making an unsuccessful counterclaim.

ADDRESS FOR SERVICE – All documents for the DEFENDANT will be sent to his/her above address (or if he/she has a solicitor, to his/her solicitor) unless notice of another address is filed at the Trial Court and served on the PLAINTIFF.

THE DEFENDANT (or his/her solicitor) must sign and date each page.

.....
Date

.....
DEFENDANT

AFFIDAVIT OF PROOF OF SERVICE

I,	of
Occupation:	
MAKE OATH AND SAY that:	
I. I did on the day of 20 , between the hours of and duly serve the within named defendant with this claim and Form 17 and any applicable form under the <i>Service and Execution of Process Act 1992 (Cth)</i> .	
(Please tick the appropriate box)	
<input type="checkbox"/> By personal service on the person.	
<input type="checkbox"/> By service on the solicitor acting for the person.	
<input type="checkbox"/> By leaving it for the person at the address of the place of dwelling or business of the person with someone apparently above the age of 14 years.	
<input type="checkbox"/> By depositing it for the person at the DX addressed to the DX number of the person or the solicitor acting for the person.	
<input type="checkbox"/> By leaving it at the registered office of the body corporate.	
<input type="checkbox"/> By sending it by prepaid post addressed to the strata corporation at its site or its post office box.	
<input type="checkbox"/> By prepaid post addressed to the community corporation or to the presiding officer, treasurer or secretary at the postal address of the community corporation or by placing it in the community corporation's letterbox.	
<input type="checkbox"/> By fax directed to the fax number of the person or the solicitor acting for the person during normal business hours on a business day.	
<input type="checkbox"/> By service on one partner or at the principal place of business of the firm.	
<input type="checkbox"/> By sending it by prepaid post addressed to the person at - (note - unless the court is satisfied that the document served by this method came to the attention of the defendant the plaintiff is not entitled to costs thrown away if the judgment is set aside-rule 106(8))	
<input type="checkbox"/> By (here describe any other authorised means of service)	
II. I served the person at (state the address, DX number, fax number etc.)	
III. I necessarily made trips and travelled kilometres for the purpose of effecting the service.	
SWORN before me at on the day of 20	
Signature <div style="text-align: center; font-size: small;"> (Person authorised to take Affidavits) (e.g. Justice of the Peace) </div> <div style="text-align: center; font-weight: bold;">SERVER</div>