Form 3F

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| BUILDING WORK CONTRACTORS ACT 1995 APPLICATION  **Magistrates Court of South Australia (Civil Division)**  [www.courts.sa.gov.au](http://www.courts.sa.gov.au)  Sections 36, 37 and 38 | | | | | | | | | | | | Court Use  Date Filed:  Date Posted | |
|  | | | | | | | | | | | | | |
| Trial Court |  | | | | | | | Action No | |  | | | |
| Address |  | | | | | |  | | |  | | |  |
|  | *Street* | | | | | | *Telephone* | | | *Facsimile* | | | *DX* |
|  |  | | |  | |  | |  | | | | | |
|  | *City/Town/Suburb* | | | *State* | | *Postcode* | | *Email Address* | | | | | |
| Amount Claimed (if any) | | $ | | | |
| Court Fee on Filing | | $ | | | |
| Service and Other Fee | | $ | | | |
| Solicitor’s Fee | | $ | | | |
| TOTAL CLAIMED | | $ | | | |
| **Applicant** | | | | | | | | | | | | | |
| Full Name |  | | | | | | | | | | | | |
| Address  *(Registered Office, if Body Corporate)* |  | | | | | |  | | | |  | | |
|  | *Street* | | | | | | *Telephone* | | | | *Facsimile* | | |
|  |  | | |  | |  | |  | | | | | |
|  | *City/Town/Suburb* | | | *State* | | *Postcode* | | *Email Address* | | | | | |
| Solicitor (if any) | |  | | | | | | | | | | | |
| **Respondent** | | | | | | | | | | | | | |
| Full Name |  | | | | | | | | | | | | |
| Address  *(Registered Office, if Body Corporate)* |  | | | | | |  | | | |  | | |
|  | *Street* | | | | | | *Telephone* | | | | *Facsimile* | | |
|  |  | | |  | |  | |  | | | | | |
|  | *City/Town/Suburb* | | | *State* | | *Postcode* | | *Email Address* | | | | | |
| 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:  s 36(4) – return of money when a contract has been cancelled  s 37(2) – determination of a warranty claim  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 | | | | | | | | | | | | | |