Form 6

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| THIRD PARTY CLAIM  **Magistrates Court of South Australia (Civil Division)**  [www.courts.sa.gov.au](http://www.courts.sa.gov.au) | | | | | | | | Court Use  Date Filed  Date of Posting | |
|  | | | | | | | | | |
| Trial Court |  | | | | | Action No |  | | |
| Address |  | | | |  | |  | |  |
|  | *Street* | | | | *Telephone* | | *Facsimile* | | *DX* |
|  |  | |  |  | |  | | | |
|  | *City/Town/Suburb* | | *State* | *Postcode* | | *Email Address* | | | |
| **Plaintiff/s** | | | | | | | | | |
| Full Name |  | | | | | | | | |
| **Defendant/s** *(who is making third party claim)* | | | | | | | | | |
| Full Name |  | | | | | | | | |
| Address  *(Registered Office, if Body Corporate)* |  | | | |  | |  | |  |
|  | *Street* | | | | *Telephone* | | *Facsimile* | | *DX* |
|  |  | |  |  | |  | | | |
|  | *City/Town/Suburb* | | *State* | *Postcode* | | *Email Address* | | | |
| Solicitor for Defendant/s (name) | |  | | | | | | | |
| Address |  | | | |  | |  | |  |
|  | *Street* | | | | *Telephone* | | *Facsimile* | | *DX* |
|  |  | |  |  | |  | | | |
|  | *City/Town/Suburb* | | *State* | *Postcode* | | *Email Address* | | | |
| **Third Party/ies** | | | | | | | | | |
| Full Name |  | | | | | | | | |
| Address  *(Registered Office, if Body Corporate)* |  | | | |  | |  | |  |
|  | *Street* | | | | *Telephone* | | *Facsimile* | | *DX* |
|  |  | |  |  | |  | | | |
|  | *City/Town/Suburb* | | *State* | *Postcode* | | *Email Address* | | | |
| ***THIRD PARTY*** *- if you wish to defend any part of this Third Party Claim, you must, within 21 days from service of this Third Party Claim, go to your nearest court and file a defence (and counterclaim - if you have one).*  ***TAKE THIS FORM WITH YOU***  *If you do nothing, the defendant may get judgment against you. There are cost penalties for unsuccessfully defending a third party claim.* | | | | | | | | | |
| **PARTICULARS OF THIRD PARTY CLAIM –** The plaintiff has sued the defendant in terms of the attached claim. The defendant who is making the third party claim says that you should indemnify him/her against the plaintiff’s claim and all costs because (briefly state the basis of the third party claim): | | | | | | | | | |
| The defendant who is making a third party claim (or his/her solicitor) must sign and date each page. There are cost penalties for making an unsuccessful third party claim. This third party claim must be served on the third party/ies (with a copy of the claim) and all other parties to the action. | | | | | | | | | |
| 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 *Service and Execution of Process Act 1992* (Cth). | | |
| (Please tick the appropriate box) | | |
| By personal service on the person. | | |
| By service on the solicitor acting for the person. | | |
| 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. | | |
| By depositing it for the person at the DX addressed to the DX number of the person or the solicitor acting for the person. | | |
| By leaving it at the registered office of the body corporate. | | |
| By sending it by prepaid post addressed to the strata corporation at its site or its post office box. | | |
| 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. | | |
| 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. | | |
| By service on one partner or at the principal place of business of the firm. | | |
| 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)) | | |
| 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  (Person authorised to take Affidavits)  (e.g. Justice of the Peace) | | SERVER |