

THIRD PARTY CLAIM

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>			
Plaintiff/s										
Full Name										
Defendant/s <i>(who is making third party claim)</i>										
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>			
Third Party/ies										
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>			

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 <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		
(Person authorised to take Affidavits) (e.g. Justice of the Peace)		SERVER	