

<p>To be inserted by Court</p> <p>Case Number:</p> <p>Date Filed:</p> <p>FDN:</p>
--

FORMAL OFFER

[*SUPREME/DISTRICT/MAGISTRATES*] Select one COURT OF SOUTH AUSTRALIA
SPECIAL STATUTORY JURISDICTION

[FULL NAME]
Applicant

[FULL NAME]
Respondent

Lodging party	<small>Party title</small>	<small>Full name of party</small>
Name of law firm/office		
<small>If applicable</small>	<small>Law firm/office</small>	<small>Responsible Solicitor</small>
Name of authorised officer		
<small>If body corporate and no law firm/office</small>	<small>Full name</small>	

Formal Offer

1. Offer made by the following parties ('the Offeror')
List the Party title and names

to the following parties ('the Offeree')
List the Party title and names

(collectively 'the parties').

2. Offer to

- settle the entire matter (all claims between the parties).
- settle only the
 - claim
 - counterclaim
 - third party claim
 - contribution notice
 - appeal
 - cross appeal
 - notice of alternative contention
 - other [*specify*]
 between the parties.
- settle part only of the
 - claim
 - counterclaim
 - third party claim

- contribution notice
- appeal
- cross appeal
- notice of alternative contention
- other [*specify*]

between the parties, namely

Claim offered to be settled by reference to pleading or otherwise

Offer basis

3. This offer is
- without prejudice save as to costs.
 - an open offer.
 - other [*specify basis*].

Offer type

4. This offer is a
- judgment offer.
 - contract offer.

Terms of Offer

5. The Offeror offers to
- consent to judgment
 - enter into an agreement

on the following terms:

Terms of judgment that would be entered/agreement that would be entered into if offer accepted in numbered paragraphs

1.

6. The offer is made on the terms that the

- judgment
- agreement

include the following term as to costs:

- the Offeree pay the costs of the Offeror
 - on a party/party basis in respect of the period :
 - on a solicitor/ client basis in respect of the period :
 - on an indemnity basis in respect of the period :
 - in the fixed amount of \$[*amount*]
- the Offeror pay the costs of the Offeree
 - on a party/party basis in respect of the period:
 - on a solicitor/ client basis in respect of the period:
 - on an indemnity basis in respect of the period :
 - in the fixed amount of \$[*amount*]
- the Offeror will submit to any order the Court may make in the exercise of its discretion.
- there be no order as to costs.
- [*specify other term*]

If applicable

7. The offer is subject to the following conditions:

Conditions in numbered paragraphs

1.

Expiry of offer

8. This offer expires:
- [*date or method by which expiry date is to be ascertained*]
 - if and when withdrawn.

and in any event unless the Court otherwise orders will expire 7 clear calendar days before the first day of trial.

.....
Signature of party / solicitor (if represented)

.....
Name printed

.....
Date

Note to Parties

The offer must be either a judgment offer or a contract offer: see rule 132.4(1).

If the offer is intended to be a “relevant offer” within the meaning of rule 132.10(1), it must comply with the definition of that term contained therein: see rule 132.10.

Service

The party filing this document is required to serve this document on all other parties in accordance with the Rules of Court.

Note to Offeree

If you do not wish to accept this offer but wish to make a counter offer, you are required to file and serve your own Formal Offer.