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| <b>To be inserted by Court</b> |
| Case Number:                   |
| Date Filed:                    |
| FDN:                           |
| <b>Hearing Date and Time:</b>  |
| <b>Hearing Location:</b>       |

## ORIGINATING APPLICATION

MAGISTRATES COURT OF SOUTH AUSTRALIA  
 CIVIL JURISDICTION  
 MINOR CIVIL

Please specify the Full Name including capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable) for each party. Each party should include a party number if more than one party of the same type.

First Applicant

First Respondent

First Interested Party

**Application Value:**

If applicable  
 Amount/value of relief sought     \$  
 Court Fee on Filing                     \$  
 Service Fee                                 \$  
 Solicitor's Fee                             \$  
 TOTAL AMOUNT/VALUE                 \$

|   |   |                  |                 |
|---|---|------------------|-----------------|
| Applicant   | <b>Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))</b> |                  |                 |
| Name of law firm / solicitor<br><small>If any</small> | <b>Law Firm</b>   | <b>Solicitor</b> |                 |
| Address for service                                   | <b>Street Address (including unit or level number and name of property if required)</b>   |                  |                 |
|   | <b>City/town/suburb</b>   | <b>State</b>     | <b>Postcode</b> |
|   | <b>Country</b>  |                  |                 |

|               |               |
|---------------|---------------|
|               | Email address |
| Phone Details | Type - Number |

Duplicate panel if multiple Applicants

|               |  |       |          |
|---------------|--|-------|----------|
| Respondent    | Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable)) |       |          |
| Address       | Street Address (including unit or level number and name of property if required)   |       |          |
|               | City/town/suburb   | State | Postcode |
|               | Country  |       |          |
|               | Email address  |       |          |
| Phone Details | Type - Number  |       |          |
| Service       | [.....] Sheriff service requested for this Respondent<br>If requested mark with an 'x'   |       |          |

Duplicate panel if multiple Respondents

|                  |  |       |          |
|------------------|--|-------|----------|
| Interested Party | Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable)) |       |          |
| Address          | Street Address (including unit or level number and name of property if required)   |       |          |
|                  | City/town/suburb   | State | Postcode |
|                  | Country  |       |          |
|                  | Email address  |       |          |
| Phone Details    | Type - Number  |       |          |
| Service          | [ ] Sheriff service requested for this Interested Party<br>If requested mark with an 'x'   |       |          |

Duplicate panel if multiple Interested Parties

**Application Details**

This Application is made under the following section of the Fences Act 1975:

Mark appropriate section below with an 'x'

[.....] section 12(1) – I am having a dispute with the owner of the adjoining land about a fence dividing our properties.

[.....] section 10(1) or 9(1)(b) – I want to perform fencing work but I cannot identify or find the owner of the adjoining land.

[.....] section 11(1) - I have erected a fence to divide my land from a public road which the owner of the land abutting the road benefits from and I want them to contribute to its cost or other fencing work.

Applicant(s) land address(es):

Street Address; City/Town/Suburb; State; Postcode

If applicable

Respondent(s) land address(es):

Street Address; City/Town/Suburb; State; Postcode

**The Applicant seeks the following orders:**

List the exact orders you would like the Court to make in separate numbered paragraphs. Include the details of any proposed fencing work and any monetary amount you want the Respondent to pay.

1.

**To the other parties: WARNING**

This Application will be considered at the hearing at the date and time set out at the top of this document.

If you wish to oppose the Application or make submissions about it:

- you **must attend the hearing** and
- you **must file and serve on all parties a Response within 14 days after service** of the Application and
- if you wish to rely on any facts in addition to or contrary to those relied on by the party seeking the orders you **must file and serve on all parties an Affidavit within 14 days after service** of the Application.

If you do not do so, the Court may proceed in your absence and orders may be made **finally determining** this proceeding (including as to costs) without further warning.

For instructions on how to file a response to an application and how to obtain access to the file, visit <https://courtsa.courts.sa.gov.au/?g=node/482>.

**Service**

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

**Accompanying Documents**

Mark appropriate sections below with an 'x'

Accompanying service of this Application is a:

- [.....] Multilingual Notice (mandatory)
- [.....] Notice to Respondent Served Interstate (mandatory if address of the respondent or interested party to be served is interstate)
- [.....] Notice to Respondent Served in New Zealand (mandatory if address of the party to be served is in New Zealand)
- [.....] Notice to Respondent Served outside Australia (mandatory if address of the party to be served is outside Australia but not in New Zealand)
- [.....] A copy of the notice of intention to perform fencing work (mandatory if any) (must be filed and served)
- [.....] A copy of the cross-notice to the notice of intention to perform fencing work (mandatory if any) (must be filed and served)
- [.....] A copy of any notice of objection to the notice of intention to perform fencing work (mandatory if any) (must be filed and served)
- [.....] If other additional document(s) please list them below:

**Note to Parties**

There are usually cost penalties for making an unsuccessful application or resisting a successful application.

Because this application is a 'minor statutory proceeding' within the meaning of section 3(1) of the Magistrates Court Act 1991, if an amount of more than \$12,000 or an order for work of the value of more than \$12,000 is claimed, either party may elect at the first Directions Hearing to remove this matter from the minor civil jurisdiction and then a higher cost scale generally applies and the parties can be represented by a lawyer.

If an amount less than \$12,000 or an order for work of the value of less than \$12,000 is claimed, or if no election is made, a lawyer cannot represent any party at the trial (subject to some exceptions in section 38(4)(a) of the Magistrates Court Act 1991) and the minor civil cost scale will generally apply.