**CROSS CLAIM**

[*SUPREME/DISTRICT/MAGISTRATES*] **Delete all but one** COURT OF SOUTH AUSTRALIA

CIVIL JURISDICTION

[*MINOR CIVIL*] **If applicable**

[*NAME OF LIST*] LIST **If applicable**

**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

**Magistrates Court only**

**Amount Claimed:**

**If applicable**

Amount Claimed $

Court Fee on Filing $

Service Fee $

Solicitor’s Fee $

TOTAL CLAIMED $

**Any other relief Claimed:**

**If any**

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| **Party Title** | **Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))** |
| Name of law firm / solicitor**If any** |  |  |
| **Law Firm** | **Solicitor** |
| Address for service |  |
| **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** |

**Duplicate panel if multiple parties**

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| **Type of cross claim****Mark appropriate sections below with an ‘x’**This is:1. [ ] a counter claim against an existing party to the proceeding.
2. [ ] a contribution claim against an existing party to the proceeding.
3. [ ] a third party claim against a new party to the proceeding.
4. [ ] a combined counter claim and third party claim.
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| **If ‘Type of Cross Claim’ selected above is 1, 2 or 4.**Existing party/parties against whom the Counter/Contribution Claim is made: [*party title*], [*name*] |

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| **If ‘Type of Cross Claim’ selected above is 3 or 4.**Third Party against who the Third Party Claim is made: |
| Third 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** |
| [ ] Sheriff service requested for this Third Party**If requested mark with an ‘x’** |
| Phone Details |  |
| **Type – Number** |

**Duplicate panel if multiple Third Parties**

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| **If ‘Type of Cross Claim’ selected above is 3 or 4.** |
| 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** |
| [ ] Sheriff service requested for this Interested Party**If requested mark with an ‘x’** |
| Phone Details |  |
| **Type – Number** |

**Duplicate panel if multiple Interested Parties**

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| **Cross Claim Details****Mark appropriate sections below with an ‘x’**Matter Type: **If applicable** This Cross Claim is made under **Act and section or other particular provision**The [*party title*] and [*name*] makes this claim against you as set out in the statement of claim below.**Extension of time****If applicable**The [*party title*]and[*name*] seeks an extension of time to institute this Cross Claim pursuant to:[ ] section 48 of the Limitation of Actions Act 1936[ ] other: **State section and Act** The grounds for seeking an extension are:**Grounds in separately numbered paragraphs** |

**Next box displayed if cross claim is or includes a counter claim or contribution claim against an existing party and proceeding is not a minor civil action in the Magistrates Court**

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| **To the [*party title and name of existing party against whom counter claim made*]:** **WARNING**The party filing this document makes this counter claim against you as set out in the Statement of Cross Claim below. If you wish to defend the counter claim, you **must** within 28 days from service of this Cross Claim file and serve on all parties a Defence. If you do not do so, after that time **judgment** **may be entered against you** including orders as to costs. Judgment will allow the person obtaining the judgment to take **enforcement steps**. This may include orders to sell your property. |

**Next box displayed if cross claim is or includes a third party claim against a new party and proceeding is not a minor civil action in the Magistrates Court**

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| **To the Third Party: WARNING**The accompanying claim has been brought against the party filing this document . The party filing this documentnow makes a third party claim against you as set out in the Statement of Cross Claim below.**If you wish to defend the claim**, you:* may file and serve on all parties a Notice of Acting (which will give you access to the Court file)
* **must within**
	+ **28 calendar days** if you are served **within Australia**; OR
	+ **30 business days** if you are served **outside Australia**

**from service of this claim file and serve on all parties a defence.**If you do not do so, after that time **judgment may be entered against you** including orders as to costs. Judgment will allow the person who has obtained judgment to take **enforcement steps**. This may include orders to sell your property.For instructions on how to file a notice of acting and/or defence and how to obtain access to the file, visit https://courtsa.courts.sa.gov.au/?g=node/473. |

**Next box displayed if cross claim is filed in a minor civil action in the Magistrates Court**

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| **To the [*party title and name of existing party against whom counter claim made*]: WARNING** The party filing this document makes this cross claim against you as set out in the Statement of Cross Claim.If you do not file a defence within 28 days from service of this Cross Claim, you will be deemed to deny the entire Statement of Cross Claim.If you wish to rely on any **special defence** (or if you wish to admit any of the allegations), you **must** within 28 days from service of this Cross Claim file and serve on all parties a Defence. |

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

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| **Accompanying Documents****Mark appropriate sections below with an ‘x’**Accompanying service of this Cross Claim is a:[ ] copy of the Claim (including Statement of Claim) (mandatory for service on a third party)[ ] Multilingual Notice (mandatory for service on a third party)[ ] Notice to Respondent Served Interstate (mandatory if address of the third party to be served is interstate)[ ] Notice to Respondent Served in New Zealand (mandatory if address of the third party to be served is in New Zealand)[ ] Notice to Respondent Served outside Australia (mandatory if address of the third party to be served is outside Australia but not in New Zealand)[ ] If other additional document(s) please list them below: |

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| **Note to Parties**There are usually cost penalties for making an unsuccessful cross claim or defending a successful cross claim.  |

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| **STATEMENT OF CROSS CLAIM**(If Claim lodged via the Portal, complete and upload a Form 61S Statement of Cross Claim).(If Claim lodged over the counter at the Registry, complete the Statement of Cross Claim below).**Part 1****Introduction****Summary of cross claim – Summarise the cross claim in one or two sentences****Legal basis of cross claim – List causes of action/statutory claims****Part 2****Background/uncontroversial matters****Facts expected to be agreed in separate numbered paragraphs**1. **Part 3****Other facts forming the basis of the claim****Other material facts that support the claim in addition to those in Part 2 in separate numbered paragraphs. Be very particular about each matter – eg when did it occur, where did it occur, what occurred.**1. **Part 4****Orders sought****Orders sought in separate numbered paragraphs**1.  |

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| **Certification****Mark appropriate section below with an ‘x’**[ ] As the filing lawyer, I certify that this pleading is filed in accordance with the instructions of the party/parties for whom I act. There is a proper basis for each allegation of fact in the pleading and itcomplies with the Rules of Court.[ ] As a Litigant in Person (self-represented), I am responsible for filing this pleading. Each allegation of fact in the pleading is true to the best of my knowledge, information and belief.…………………………………….Signature…………………………………….Name printed…………………………………….Date |