

<p><b>To be inserted by Court</b></p> <p>Case Number:</p> <p>Date Filed:</p> <p>FDN:</p>
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## 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	\$
<b>TOTAL CLAIMED</b>	<b>\$</b>

**Any other relief Claimed:**

If any

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

Duplicate panel if multiple parties

**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.

**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]

**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		
	<input type="checkbox"/> Sheriff service requested for this Third Party If requested mark with an 'x'		
Phone Details	Type – Number		

Duplicate panel if multiple Third Parties

**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		
	<input type="checkbox"/> Sheriff service requested for this Interested Party If requested mark with an 'x'		
Phone Details	Type – Number		

Duplicate panel if multiple Interested Parties

**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]*  
of claim below.

makes this claim against you as set out in the statement

### Extension of time

If applicable

The *[party title]* and *[name]*  
Claim pursuant to:

seeks an extension of time to institute this Cross

[ ] 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

1.

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

### 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

### To the Third Party: WARNING

The accompanying claim has been brought against the party filing this document . The party filing this document now 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

### 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.

**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 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:

**Note to Parties**

There are usually cost penalties for making an unsuccessful cross claim or defending a successful cross claim.

**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.

**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 it complies 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